



# CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

## OFFICIAL HANSARD REPORT ELECTRONIC VERSION

**1992 SESSION**  
*(In Two Volumes)*

**VOLUME I**  
*(Comprising pages 1 through 580)*

**Hon. Sybil I. McLaughlin, MBE, JP**  
**Speaker**

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## GOVERNMENT MEMBERS

**\*HON. THOMAS CARROLL JEFFERSON, OBE, JP**  
First Official Member Responsible for Finance and Development

**HON. RICHARD W. GROUND, QC**  
Second Official Member Responsible for Legal Administration

**\*\*HON. JOHN LEMUEL HURLSTON, MBE, JP**  
Third Official Member Responsible for Internal and External Affairs

**\*\*\*HON. GEORGE A. McCARTHY, JP**  
Third Official Member Responsible for Finance and Development

**HON. W. NORMAN BODDEN, OBE, JP**  
Elected Member Responsible for Tourism Aviation and Trade

**HON. BENSON O. EBANKS, OBE**  
Elected Member Responsible for Education, Environment, Recreation and Culture

**HON. D. EZZARD MILLER**  
Elected Member Responsible for Health and Social Services

**HON. LINFORD PIERSON, JP**  
Elected Member Responsible for Communications Works and Agriculture

*\*Retired 16 March, 1992*

*\*\*Appointed Hon. First Official Member 17 March, 1992*

*\*\*\*Sworn in as Hon. Third Official Member on 22 June, 1992*



## ELECTED MEMBERS

**MR. W. McKEEVA BUSH**  
First Elected Member for the First Electoral District of West Bay

**MR. JOHN D. JEFFERSON, JR**  
Third Elected Member for the First Electoral District of West Bay

**MR. TRUMAN M. BODDEN**  
Third Elected Member for the Second Electoral District of George Town

**CAPT. MABRY S. KIRKCONNELL, MBE, JP**  
First Elected Member for the Third Electoral District of Cayman Brac and Little Cayman

**MR. GILBERT A. McLEAN**  
Second Elected Member for the Third Electoral District of Cayman Brac and Little Cayman

**MR. ROY BODDEN**  
First Elected Member for the Fourth Electoral District of Bodden Town

**MR. G. HAIG BODDEN**  
Second Elected Member for the Fourth Electoral District of Bodden Town

**MR. JOHN B. McLEAN**  
Elected Member for the Sixth Electoral District of East End

## **OFFICERS OF THE HOUSE**

**Mrs. Georgette Myrie**  
Clerk of the Legislative Assembly

**Mrs. Wendy Lauer Ebanks**  
Deputy Clerk of the Legislative Assembly

**Mr. Cline Astor Glidden**  
Serjeant-at-Arms

## **STAFF OF THE LEGISLATIVE ASSEMBLY**

**Mrs. Sharon K. Smith**  
Clerk Assistant

**Miss Nanna Bothwell**  
Executive Officer

**Mrs. Mary Williams**  
Refreshment Co-ordinator

**OFFICIAL HANSARD REPORT****1992 SESSION****INDEX**

(In Two Volumes)

**Abbreviations:** *1r, 2r, 3r*, first, second, third reading; (A), Amendment; *CAL*, Cayman Airways, Ltd; (C), Committee; *CIHS*, Cayman Islands High School; *CIMS*, Cayman Islands Middle School; *GM*, Government Motion; *GT*, George Town; *GTH*, George Town Hospital; *ICCI*, International College of the Cayman Islands; *ILFC*, International Leasing Finance Corporation; *PM*, Private Member's Motion; (R), Report; *S.O.*, Standing Order.

**Administration of Oaths or Affirmations**

Ryan, Hon. James M., 795, 823  
Smellie, Hon. Anthony S., 381

**Bills:**

- Affiliation (A) Bill, 1992, 984 (1r), 988 (2r), 1005 (C), 1009 (R), 1028 (3r)
- Bail Bill, 1992, 394 (1r), 395 (2r), 657 (C), 673 (R), 674 (3r)
- Cayman Cultural Foundation Bill, 1992, 1069 (1r), 1125(2r), 1126 (C), 1129 (R), 1129 (3r)
- Companies (A) Bill, 1992, 572 (1r), 595 (2r), 668 (C), 673 (R), 675 (3r)
- Elections (A) Bill, 1992, 572 (1r), 573 (2r), 667 (C), 673 (R), 675 (3r)
- Guardianship and Custody of Children (A) Bill, 1992, 278 (1r), 300 (2r), 346 (C), 348 (R), 348 (3r)
- Health Care Insurance Bill, 1992, 277 (1r), 278 (2r), 342 (C), 348 (R), 348 (3r)
- Immigration Bill, 1992, 573 (1r), 601 (2r), 670 (C), 674 (R), 675 (3r)
- Juveniles (A) Bill, 1992, 395(1r), 408 (2r), 663 (C), 673 (R), 674 (3r)
- Loan (Cayman Airways ) Bill, 1992, 730 (1r), 733 (2r), 800 (C), 805 (R), 805 (3r)
- Loan (George Town Hospital)(A) Bill, 1992, 278 (1r), 300 (2r), 342 (C), 348 (R), 349 (3r)
- Local Companies (Control) (A) Bill, 1992, 984 (1r), 1002 (2r), 1006 (C), 1009 (R), 1029 (3r)
- Maintenance (A) Bill, 1992, 984 (1r), 984 (2r), 1004 (C), 1008 (R), 1028 (3r)
- Maintenance Orders (enforcement) (A) Bill, 1992, 984 (1r), 987 (2r), 1004 (C), 1008 (R), 1028 (3r)
- Merchant Shipping Act 1988 (A) Bill, 1992 (*withdrawn*), 573, 730 (1r), 730 (2r), 832 (C), 833 (R), 834 (3r)
- Merchant Shipping Bill, 1992, 573 (1r), 600 (2r), 668 (C), 673 (R), 675 (3r)
- Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, 394 (1r), 401 (2r), 661 (C), 673 (R), 674 (3r)
- Misuse of Drugs (Penalties) Bill, 1992, 249 (1r), 249 (2r), 276 (C), 277 (R), 281 (3r)
- Pension (A) Bill, 1992, 29 (1r), 33 (2r), 36 (C), 37 (R), 110 (3r)
- Prisons (A) Bill, 1992, 29 (1r), 29 (2r), 35 (C), 37 (R), 109 (3r)
- Summary Jurisdiction (Domestic Violence) Bill, 1992, 984 (1r), 989 (2r), 1005 (C), 1009 (R), 1029 (3r)
- Supplementary Appropriation (1990) Bill, 1992, 573 (1r), 650 (2r), 676 (3r)
- Supplementary Appropriation (1991) Bill, 1992, 1069 (1r), 1070 (2r), 1071 (C), 1071 (R), 1124 (3r)
- Trade and Business Licensing (A) Bill, 1992, 984 (1r), 1000 (2r), 1006 (C), 1009 (R), 1029 (3r)
- 

**Bodden. Hon. W. Norman**

Annual Report and Financial Statements of the Civil Aviation Authority of the Cayman Islands for period 31 December, 1991 and 1990, 629  
Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 542

Cayman Airways Limited Financial Statements as at 30th June, 1991, 443  
Cayman Airways Limited Financial Statements as at 31 December, 1991, 1085  
Closing statement, 1144  
Equitable Distribution System of Gratuities (PM 4/92), 369  
Loan (Cayman Airways) Bill, 1992, 733, 783, 795  
Reduction of inflation and cost of living (PM 3/92), 306  
Report of the Public Accounts Committee on the Audited Accounts of the Government of the Cayman Islands for the year ended 31 December, 1991, 1119  
Ten Year Tourism Development Plan (1992-2002), 1086

**Bodden, Mr. G. Haig**

Bail Bill, 1992, 398  
Bodden Town Public Beach and Boat Ramp (PM 7/92), 698, 702  
Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 436  
Closing statement, 1146  
Companies (A) Bill, 1992, 597  
Debate on the Draft Constitution (PM 13/92), 1045, 1072  
Development and Planning (A) (No. 2) Regulations, 1992 (GM 6/92), 808  
Development and Planning (Tree Preservation Orders) Regulations, 1992 (GM 7/92), 814  
Elections (A) Bill, 1992, 576  
Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 172  
Equitable Distribution System of Gratuities (PM 4/92), 367  
Government Teacher's Cottage in Bodden Town (PM 10/92), 751, 756  
Health Care Insurance Regulations 1992 (GM 4/92), 680  
Health Services Authority Contract (PM 8/92), 710, 715  
Loan (George Town Hospital)(A) Bill, 1992, 326  
Misuse of Drugs (Penalties) Bill, 1992, 257  
Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, 407  
Police Procedure for Handling of Juveniles and Interrogation of the Public (PM 5/92), 222, 232  
Request for the services of a Behavioural Psychologist to support the Education Department (PM 2/92), 69  
Swimming Pool/Sports Facility for Cayman Brac (PM 12/92), 820  
Tribute to Hon. First Official Member upon his retirement, 378  
Twenty-four Hour Police Presence in the Bodden Town District (PM 14/92), 1141, 1142  
West Bay Clinic Services and Improvements (PM 9/92), 725  
West Bay Roadworks Programme (PM 6/92) 613

**Bodden, Mr. Roy**

1990 Report of standing public Accounts Committee on Computer Services Department of the Government of Cayman Islands, 1118  
Bodden Town Public Beach and Boat Ramp (PM 7/92), 698, 704  
Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 465, 477  
Closing statement, 1145  
Debate on the Draft Constitution (PM 13/92), 907, 918  
Debate on the Throne Speech, 38-45, 88-94  
Elections (A) Bill, 1992, 579  
Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 172

Equitable Distribution System of Gratuities (PM 4/92), 374  
 Government Teacher's Cottage in Bodden Town (PM 10/92), 751, 752, 761  
 Immigration Bill, 1992, 603, 635  
 Juveniles (A) Bill, 1992, 409, 565  
 Loan (Cayman Airways) Bill, 1992, 776  
 Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, 405  
 Report of the Standing Public Accounts Committee on the Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31 December, 1991, 1073  
 Request for services of a Behavioural Psychologist to support the Education Department (PM 2/92), 66, 69  
 Summary Jurisdiction (Domestic Violence) Bill, 1992, 991  
 Tribute to Hon. First Official Member upon his retirement, 379  
 Twenty-four Hour Police Presence in the Bodden Town District (PM 14/92), 1140-1162  
 West Bay Roadworks Programme (PM 6/92) 617

**Bodden, Mr. Truman M.**

Affiliation (A) Bill, 1992, 989  
 Bail Bill, 1992, 397  
 Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 440, 457  
 Closing statement, 1147  
 Companies (A) Bill, 1992, 598  
 Debate on the Draft Constitution (PM 13/92), 834, 868, 1104, 1149  
 Debate on the Throne Speech, 140-149, 181-192  
 Development and Planning (A) (No. 2) Regulations, 1992 (GM 6/92), 807  
 Development and Planning (Tree Preservation Orders) Regulations, 1992 (GM 7/92), 812  
 Elections (A) Bill, 1992, 578  
 Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 208  
 Equitable Distribution System of Gratuities (PM 4/92), 375  
 Government Teacher's Cottage in Bodden Town (PM 10/92), 760  
 Guardianship and Custody of Children (A) Bill, 1992, 300  
 Health Care Insurance Regulations 1992 (GM 4/92), 682  
 Health Care Insurance Bill, 1992, 286  
 Health Services Authority Contract (PM 8/92), 717  
 Immigration Bill, 1992, 643  
 Juveniles (A) Bill, 1992, 569  
 Local Companies (Control) (A) Bill, 1992, 1003  
 Loan (Cayman Airways) Bill, 1992, 741, 763  
 Loan (George Town Hospital)(A) Bill, 1992, 302  
 Maintenance (A) Bill, 1992, 986  
 Maintenance Orders (enforcement) (A) Bill, 1992, 988  
 Merchant Shipping Act 1988 (A) Bill, 1992, 731  
 Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, 405  
 Misuse of Drugs (Penalties) Bill, 1992, 263  
 Pension (A) Bill, 1992, 34  
 Police procedure for handling of juveniles and interrogation of public (PM 5/92), 233  
 Prisons (A) Bill, 1992, 31  
 Reduction of inflation and cost of living (PM 3/92), 309

Request for the services of a Behavioural Psychologist to support Education Department (PM 2/92), 69  
 Swimming Pool/Sports Facility for Cayman Brac (PM 12/92), 821  
 Tribute to Hon. First Official Member upon his retirement, 379  
 West Bay Roadworks Programme (PM 6/92) 616  
 Summary Jurisdiction (Domestic Violence) Bill, 1992, 992  
 Trade and Business Licensing (A) Bill, 1992, 1001

### **Bush, Mr. W. McKeeva**

Bail Bill, 1992, 396  
 Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 462  
 Closing statement, 1149  
 Debate on Draft Constitution (PM 13/92), 834, 1009, 1030  
 Development and Planning (Tree Preservation Orders) Regulations, 1992 (GM 7/92), 814  
 Elections (A) Bill, 1992, 591  
 Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 71, 72, 153, 213  
 Equitable Distribution System of Gratuities (PM 4/92), 367, 375  
 Government Teacher's Cottage in Bodden Town (PM 10/92), 758  
 Health Care Insurance Bill, 1992, 282  
 Health Services Authority Contract (PM 8/92), 710, 719  
 Juveniles (A) Bill, 1992, 408  
 Loan (George Town Hospital)(A) Bill, 1992, 328  
 Maintenance (A) Bill, 1992, 985  
 Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, 404  
 Misuse of Drugs (Penalties) Bill, 1992, 266  
 Motion without Notice for Government to consider debating PM 13/92 at 4.30 PM each sitting, 976  
 Police procedure for handling of juveniles and interrogation of public (PM 5/92), 237  
 Re-appoint of Select Committees of Legislative Assembly (GM 2/92), 350  
 Recovery of Stolen Weapons as reported in *Caymanian Compass* of Thursday, 16th June, 1992, 773  
 Reduction of inflation and cost of living (PM 3/92), 241, 242, 321, 350, 357  
 Summary Jurisdiction (Domestic Violence) Bill, 1992, 990  
 Swimming Pool/Sports Facility for Cayman Brac (PM 12/92), 820  
 Tribute to Hon. First Official Member upon his retirement, 377  
 West Bay Clinic Services and Improvements (PM 9/92), 724, 725  
 West Bay Roadworks Programme (PM 6/92) 611, 621

### **Cayman Airways Limited**

Cayman Airways Limited Financial Statements as at 30th June 1991, 443  
 Loan (Cayman Airways) Bill, 1992, 730(1r), 733 741, 763, 776, 779, 783, 795(2r), 800(C), 805(R), 805(3r)

Parliamentary Questions relating thereto:

- 38) Supervisory/management appointments at CAL over last three months, 104
- 49) Steps taken to discontinue lease agreement on 737-400, 151
- 50) Cost to CAL to put new 737-400 into operation, 152
- 51) Comparison of lease payment on new 737-400 to original lease on other two 737-400s, 153
- 77) Additional employees of CAL, 445
- 78) Steps taken to reduce CAL expenses since January 1992, 446
- 79) CAL bookings, 447

- 110) Cost of operating inter-Island air service by CAL, 506
- 111) CAL contractual commitments re: five leased aircraft, 507
- 119) Details of all debts accumulated by CAL since June 1991, 534
- 121) Recommendations of CAL study implemented in Airline's operation, 536
- 133) CAL assets and liabilities (*withdrawn*), 585
- 134) Monthly cost of CAL leases, 585
- 136) Rental cost of Miami Air and Air Atlanta 727 jets, 607
- 137) Number of people employed by CAL in North America, 608
- 138) Job description of CAL Vice President North American Operation, 610
- 139) Amount of annual subsidy paid to CAL, 610
- 140) Total funds provided by Government to CAL from 1968 to 1992, 630
- 154) Cause of tyre blow-out on CAL flight 071, 824
- 180) Termination of CAL employees, 890
- 189) Factors leading to sale of CAL aircraft, 917

### **Debate on the Throne Speech**

- Bodden, Mr. Roy, 38-45, 88-94
- Bodden, Mr. Truman M., 140-149, 181-192
- Jefferson, Hon. Thomas, 197-199
- Jefferson, Mr. John D. Jr, 94-100, 110-113
- McLean, Mr. Gilbert A., 113-126, 131-140
- Miller, Hon. D. Ezzard, 192-197

### **Divisions**

- 01/92—PM 2/92, 71
- 02/92—PM 1/92, 221
- 03/92—PM 5/92, 241
- 04/92—Misuse of Drugs (Penalties) Bill, 1992, (2r), 276
- 05/92—Loan (George Town Hospital)(A) Bill, 1992 (2r), 341
- 06/92—Loan (George Town Hospital)(A) Bill, 1992 (C), 341
- 08/92—PM 3/92, 367
- 09/92—On adjournment, 411
- 10/92—Suspension of S.O. to allow GM 3/92 to be taken without due notice, 431
- 11/92—GM 3/92, 555
- 12/92—PM 6/92, 627
- 13/92—Juveniles (A) Bill, 1992 (C), 666
- 14/92— Elections (A) Bill, 1992 (C), 668
- 15/92—PM 7/92, 706
- 16/92—PM 8/92, 723
- 17/92—PM 9/92, 727
- 18/92—PM 10/92, 763
- 19/92—Loan (Cayman Airways) Bill, 1992 (2r), 799
- 20/92— Loan (Cayman Airways) Bill, 1992 (C), 805
- 21/92—Continuation of debate on PM 13/92, 975
- 22/92—Suspension of S.O. 14(3), 976
- 23/92—Motion without Notice for Government to consider debating PM 13/92 at 4.30 PM each sitting, 976
- 24/92—Motion for Adjournment, 977



**Ebanks, Hon. Benson O.**

- Cayman Cultural Foundation Bill, 1992, 1069, 1125
- Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 515
- Closing statement, 1149
- Community College of Cayman Islands Annual Report 1992 and Financial Statements 1991, 946
- Community College of Cayman Islands—Financial Statements for 1990, 229
- Debate on Draft Constitution (PM 13/92), 932, 1099
- Elections (A) Bill, 1992, 587
- Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 207
- Health Care Insurance Bill, 1992, 292
- Loan (George Town Hospital) (A) Bill, 1992, 329
- Misuse of Drugs (Penalties) Bill, 1992, 268
- National Trust of Cayman Islands—Treasurer's Report for year ended 31 August 1991, together with Annual Report, 229
- Reduction of inflation and cost of living (PM 3/92), 314
- Request for services of a Behavioural Psychologist to support Education Department (PM 2/92), 67
- West Bay Clinic Services and Improvements (PM 9/92), 725
- West Bay Roadworks Programme (PM 6/92) 620

**Government Motions**

- 1/92—Cinematographic Authority, 37
- 2/92—Re-appoint of Select Committees of Legislative Assembly, 349
- 3/92—CI Health Services Authority Loan Guarantee, 431
- 4/92—Health Care Insurance Regulations 1992, 676
- 5/92—Notice of Motion to Amend Legislative Assembly Standing Order (Revised), 817
- 6/92—Development and Planning (A) (No. 2) Regulations, 1992, 806
- 7/92—Development and Planning (Tree Preservation Orders) Regulations, 1992, 810

**Ground, Hon. Richard W.**

- Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 199
- Misuse of Drugs (Penalties) Bill, 1992, 249, 271
- Police procedure for handling of juveniles and interrogation of public (PM 5/92), 226, 230

**Hurlston, Hon. J. Lemuel**

- Elections (A) Bill, 1992, 573, 594
- Electoral Boundaries, 355
- Immigration Bill, 1992, 601, 649
- Prisons (A) Bill, 1992, 30, 33
- Re-appoint of Select Committees of Legislative Assembly (GM 2/92), 350
- Recovery of Stolen Weapons as reported in *Caymanian Compass* of Thursday, 16th June, 1992, 773
- Report of Select Committee to Review CI Immigration Legislation (Special Fourth Interim), 493  
Fifth and Final, 1118
- Report of Standing Business Committee:
  - Meetings held 14th & 27th February, 1992, 413
  - Meetings held 17, 24, June and 2, 9, 17 July, 1991, 776
  - Meetings held 28th and 31st August, 1992, 1119
- Roads in District Administration, 356

Twenty-four Hour Police Presence in Bodden Town District (PM 14/92), 1141

**Jefferson, Hon. Thomas C.**

Debate on Throne Speech, 197-199  
 Government Minute on 1991 Report of Public Accounts Committee on Auditor General's Report and Audited Accounts of Cayman Islands Government for year ended 31st December, 1990, 355  
 Pension (A) Bill, 1992, 33, 35  
 Reduction of inflation and cost of living (PM 3/92), 305  
 Report of Standing Finance Committee  
     Meeting held 18th February, 1992), 203  
     Meeting held 6th and 12th March, 1992, 353  
 Re-appoint of Select Committees of Legislative Assembly (GM 2/92), 349  
 Reply to tribute by Members to Hon. First Official Member upon his retirement, 380

**Jefferson, Mr. John D. Jr.**

Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 435  
 Closing statement, 1144  
 Companies (A) Bill, 1992, 598  
 Debate on Draft Constitution (PM 13/92), 941, 954  
 Debate on Throne Speech, 94-100, 110-113  
 Elections (A) Bill, 1992, 575  
 Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 72, 210  
 Equitable Distribution System of Gratuities (PM 4/92), 373  
 Health Care Insurance Bill, 1992, 282  
 Immigration Bill, 1992, 639  
 Juveniles (A) Bill, 1992, 568  
 Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, 406  
 Misuse of Drugs (Penalties) Bill, 1992, 260  
 Motion without Notice for Government to consider debating PM 13/92 at 4.30 PM each sitting, 976  
 Pension (A) Bill, 1992, 35  
 Reduction of inflation and cost of living (PM 3/92), 242, 319  
 Tribute to Hon. First Official Member upon his retirement, 380  
 West Bay Clinic Services and Improvements (PM 9/92), 724  
 West Bay Roadworks Programme (PM 6/92) 611, 618

**Kirkconnell, Capt. Mabry S.**

Bail Bill, 1992, 399  
 Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 510  
 Closing statement, 1145  
 Debate on Draft Constitution (PM 13/92), 1090  
 Development and Planning (A) (No. 2) Regulations, 1992 (GM 6/92), 807  
 Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 174  
 Equitable Distribution System of Gratuities (PM 4/92), 374  
 Health Care Insurance Bill, 1992, 283  
 Juveniles (A) Bill, 1992, 567  
 Loan (George Town Hospital)(A) Bill, 1992, 329

Maintenance (A) Bill, 1992, 985  
Misuse of Drugs (Penalties) Bill, 1992, 270  
Pension (A) Bill, 1992, 34  
Prisons (A) Bill, 1992, 33  
Summary Jurisdiction (Domestic Violence) Bill, 1992, 994  
Swimming Pool and Sports Facility for Cayman Brac (PM 12/92), 881, 819, 821

**McCarthy, Hon. George A.**

Agricultural and Industrial Development Board Report for year ended 31 December, 1991, 493  
Audited Accounts of Cayman Islands Government for year ended 31 December, 1992, 1053  
Companies (A) Bill, 1992, 595, 599  
Loan (Cayman Airways) Bill, 1992, 779  
Merchant Shipping Act 1988 (A) Bill, 1992, 730, 732  
Merchant Shipping Bill, 1992, 600  
Report of Auditor General on Audited Accounts of Cayman Islands Government for year ended 31 December 1991, 073  
Report of Standing Finance Committee  
    Meeting held 3rd July, 1992, 775  
    Meetings held 15th and 16th July, 1992, 1065  
    Meeting held 14th September, 1992, 1117  
Supplementary Appropriation (1990) Bill, 1992, 650, 657  
Supplementary Appropriation (1991) Bill, 1992, 1070

**McLean, Mr. Gilbert A.**

Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 487  
Closing statement, 1146  
Debate on Draft Constitution (PM 13/92), 871, 895  
Debate on Throne Speech, 113-126, 131-140  
Elections (A) Bill, 1992, 588  
Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 211  
Equitable Distribution System of Gratuities (PM 4/92), 371  
Government Teacher's Cottage in Bodden Town (PM 10/92), 760  
Health Services Authority Contract (PM 8/92), 713  
Juveniles (A) Bill, 1992, 566  
Loan (George Town Hospital)(A) Bill, 1992, 301  
Maintenance (A) Bill, 1992, 986  
Pension (A) Bill, 1992, 34  
Personal Explanation RE: Comments made by First Elected Member for West Bay during Debate on Draft Constitution (PM 13/92), 1122  
Police procedure for handling of juveniles and interrogation of public (PM 5/92), 221, 222, 239  
Prisons (A) Bill, 1992, 32  
Health Care Insurance Bill, 1992, 289  
Request for services of Behavioural Psychologist to support Education Department (PM 2/92), 66, 67  
Swimming Pool and Sports Facility for Cayman Brac (PM 12/92), 818, 819  
Tribute to Hon. First Official Member upon his retirement, 379

**McLean, Mr. John B.**

Cayman Cultural Foundation Bill, 1992, 1126

Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 518, 539  
 Closing statement, 1147  
 Bail Bill, 1992, 398  
 Debate on Draft Constitution (PM 13/92), 1088  
 Development and Planning (Tree Preservation Orders) Regulations, 1992 (GM 7/92), 814  
 Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 206  
 Health Care Insurance Bill, 1992, 283  
 Juveniles (A) Bill, 1992, 409  
 Loan (George Town Hospital)(A) Bill, 1992, 331  
 Maintenance (A) Bill, 1992, 985  
 Tribute to Hon. First Official Member upon his retirement, 379

### **Miller, Hon. D. Ezzard**

Affiliation (A) Bill, 1992, 988, 989  
 Bodden Town Grave Yards, 325  
 Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 432, 543  
 Cayman Islands Health Services Authority Forecasted Statements of Receipts and Expenditures for Ten Years ending 31 December 1992-2001, with Accountants' Examination Report, 355  
 Closing statement, 1148  
 Debate on Draft Constitution (PM 13/92), 924  
 Debate on Throne Speech, 192-197  
 Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands (PM 1/92), 157  
 Guardianship and Custody of Children (A) Bill, 1992, 300  
 Health Care Insurance Bill, 1992, 278  
 Health Care Insurance Regulations 1992 (GM 4/92), 676, 684, 691  
 Health Services Authority Contract (PM 8/92), 715  
 Juveniles (A) Bill, 1992, 408, 572  
 Loan (George Town Hospital)(A) Bill, 1992, 301, 332  
 Maintenance (A) Bill, 1992, 984, 987  
 Maintenance Orders (enforcement) (A) Bill, 1992, 988,  
 Misuse of Drugs (Penalties) Bill, 1992, 265, 294  
 Personal Explanation RE: Issue raised in Report of Public Accounts Committee on Auditor General's Report of 1991 Accounts, 1142  
 Summary Jurisdiction (Domestic Violence) Bill, 1992, 989, 995

### **Motion on the Adjournment**

Recovery of Stolen Weapons as reported in *Caymanian Compass* of Thursday, 16th June, 1992  
 Bush, Mr. W. McKeever, 773  
 Hurlston, Hon. J. Lemuel, 773

### **Motion Without Notice**

For Government to consider debating PM 13/92 at 4.30 PM each sitting, 976

### **Parliamentary Questions**

- 1) New system for patient registration at hospital, 15
- 2) Medical aid denied to patients unable to make deposit, 16

- 3) Steps taken to upgrade primary schools in outer districts, 16
- 4) Completion of tour of duty of Constables recruited from UK, 18
- 5) Title and grade of posts held by Caymanians and Non-Caymanians in Lands and Survey Department, 19 (*deferred*), 204
- 6) Title and grade of posts held by Caymanians and Non-Caymanians in Cayman Islands Middle and High Schools, 19
- 7) Experts' reports on proposed new Hospital, 22
- 8) New posts created under new Agricultural Development Plan, 23
- 9) Responsibility for vessel "Warm Wind" anchored of Little Cayman, 24
- 10) Prescribed procedure followed by Police in detaining, arresting and interrogating juvenile suspects, 25
- 11) Total cost for construction of new hospital and correspondence relating thereto, 27
- 12) Benefits of Drug Conference held in September 1990, 28
- 13) Criminal activity at Cayman Islands High School, 47
- 14) Cases of abuse of teachers by students, and steps taken to prevent such, 48
- 15) Steps taken to increase Police presence in East End, 50
- 16) Offences warranting suspension and/or expulsion from CIMS & CIHS, 52
- 17) Government's annual cost per pupil, 53
- 18) Advantage/disadvantage of replacing GCSE with CXC, 55
- 19) Details of tutoring available to students in preparation for SAT, 58
- 20) Circumstances warranting a state funeral, 60
- 21) Use of CI Coat-of Arms in advertising, 61
- 22) Schedule of inspection of hospitality properties, 62
- 23) Proposed survey of students' attitudes towards drugs, cigarettes, etc., 63
- 24) Explanation of statement "It will be necessary to write off a whole generation to cure drug problems", as made by Hon. Member in 1989, 63
- 25) Overtime payments to Northward Prison personnel, 77
- 26) Rank of personnel on duty after regular hours at Northward Prison, 78
- 27) Responsibility and access of purchase order books at Northward Prison, 78
- 28) Estimated contribution of tourist arriving by cruise ship vs. tourist arriving by air, 79
- 29) Doctors employed by Government granted permission to practice privately by Health Services Authority, 81
- 30) Salary changes at GTH since Health Services Authority came into effect, 82
- 31) Investigative procedure followed by Health Services Authority when patient accuses a doctor or nurse of misconduct, 82
- 32) Number of aircraft leased and payments since 1989, 84
- 33) Countries visited by Member of Health and Social Services to observe similar services and programmes and number initiated in these islands as a result, 85
- 34) Results of training workshops for Church Youth Workers, 87
- 35) Procedure for purchasing merchandise at Northward Prison, 101
- 36) Responsibility for "Open Line" programme aired on Radio Cayman, 102
- 37) Reason for subject regarding various religions registered in islands aired on 3rd February, 1992, 103
- 38) Supervisory/management appointments at CAL over last three months, 104
- 39) Designated "Place of safety" for juveniles, 105
- 40) Restriction on burial in private cemeteries, 106
- 41) Number of demonstration farms, length of time in operation, and cost to operate, 106
- 42) Cost per child to attend correctional institution in United States, 107

- 43) Meaning of statement "George Town Clinic will be a referral base for district out-patient services" as mentioned in Police Analysis of new hospital, 108
- 44) Arrangement for returning prisoners to country of origin to serve sentence; and rank of officer used to accompany same, 127
- 45) Steps taken by Government to investigate use of illegal scanners and recorders that listen in on private telephone conversations, 128
- 46) Costing of urgent repairs to roads in Eastern Districts, 129
- 47) Crushed rock stockpiled on south side of Cayman Brac on parcel of land, and who owns land, 130
- 48) Status of blasting and excavating work on south side of Cayman Brac, 131
- 49) Steps taken to discontinue lease agreement on 737-400, 151
- 50) Cost to CAL to put new 737-400 into operation, 152
- 51) Comparison of lease payment on new 737-400 to original lease on other two 737-400s, 153
- 52) Investigation into allegation of unfair gratuity distribution, 179
- 53) Nude bathing incident, 382
- 54) Use of hard-drugs reported by inmates at Northward Prison, 384
- 55) On duty officer at Government House reported missing for 15-30 minutes, 385
- 56) Why public approval was not sought for name change of Middle and High School, 385
- 57) Number of teachers leaving Computer Services Studies Department at JGHS, 386
- 58) Course content of additional year of primary school as it relates to first year of high school, 386
- 59) Cost of boat ramp repair at Lobster Pot and name of contractor, 388
- 60) Bodden Town boat ramp land purchase and date of completion, 388
- 61) Cost of CI Water Authority pipeline works to Eastern Districts, 389
- 62) Cost per mile of CI Water Authority pipeline works compared to cost per mile to West Bay contract, 391
- 63) Total number of nursing staff by nationality, qualifications, 392
- 64) Plans for monthly/quarterly collection of large items by Environmental Health in West Bay, 394
- 65) Cost to fill property in Prospect where Primary School is to be built, 417
- 66) Deviation from Education Plan for CIHS, 418
- 67) West Indian Islands with CXC system still utilise a middle school system, 419
- 68) Cost of water purchased for Prison, 421
- 69) Prison Officer's Training Course, 421
- 70) Programmes on hand-to-hand combat for Prison Officers, 422
- 71) Steps taken to prevent a certain man from defecating on Post Office in central GT, 422
- 72) Ear-marking of head tax on cruise ship passengers, 424
- 73) Cost of free standing 250 foot communication tower near prison, 424
- 74) Moratorium on taxi licenses, 425
- 75) Update on bus depot in GT, 425
- 76) Action taken on PM 15/91, Financial Assistance to Indigents, 425
- 77) Additional employees of CAL, 445
- 78) Steps taken to reduce CAL expenses since January 1992, 446
- 79) CAL bookings, 447
- 80) PrisCraft Account, balance and administration thereof, 448
- 81) Penalty for prisoners who break rules, 449
- 82) Number and nationality of Prison Officers, 450
- 83) Cost of Jennet L Road to date, 450
- 84) Number of Caymanians in management in hospitality industry, 452
- 85) Names of local banks interested in financing new hospital, 453
- 86) Government policy on new super scale level in Civil Service, 453
- 87) Inskip murder case, 455

- 88) Marking of channels in Cayman Islands, 455
- 89) Steps taken by Labour Office to ensure job vacancies are filled by qualified Caymanians, 467
- 90) Investigation into allegation of advertising for positions done only as a formality, 469
- 91) Airport resurfacing project, 470
- 92) Total number of civil servants, number of Caymanians, percentage of budget allocated for salaries, 470
- 93) Adjudication of complaints against prisoners and prison officers, 472
- 94) Regulations encouraging prison officers to recruit relatives, 472
- 95) Draft Constitution available to public, 473
- 96) Cost of hospital advertisements in newspapers, 473
- 97) Proposed plan to prevent dumping in Barkers, 474
- 98) Breakdown and current status of projects requested for West Bay, 474
- 99) Policy regarding publishing names and bids of companies submitting tenders for Government projects, 474
- 100) Cost of Customs Boat and engine, 476
- 101) Tourist related businesses that do not collect and distribute gratuities, 497
- 102) Departments housed in Campbell Building and cost of furniture, 499
- 103) Size of Campbell Building property and cost to upgrade it, 499
- 104) Basis of promotion for Prison officers and number of foreign nationals promoted, 500
- 105) Recruiting procedure of Royal Cayman Islands Police, 500 (*deferred*), 581
- 106) Amount of money spent on advertisements for new recruits for Royal Cayman Islands Police, 501
- 107) Number of teachers by nationality in Government schools and number of Caymanians trained as teachers since November 1984, 501
- 108) Programme in place ensuring Caymanians will comprise a larger portion of Government teaching staff, 502
- 109) Breakdown of road construction and maintenance by district during first five months of 1992, 503
- 110) Cost of operating inter-Island air service by CAL, 506
- 111) CAL contractual commitments re: five leased aircraft, 507
- 112) Repairs to automatic doors at Gerrard Smith Airport, 509
- 113) Cost to duplicate technical studies at CIHS, 523
- 114) Number of medical cases referred to US or Jamaica since January 1992, and type of ailments, 524
- 115) Cost of per patient sent abroad for medical reasons since January 1992, 525
- 116) Contingent liabilities of CI Government as at 31 March, 1992, 528
- 117) Register of approved contractors list, 532
- 118) Number of new teachers recruited, nationality and qualification (*withdrawn*), 534
- 119) Details of all debts accumulated by CAL since June 1991, 534
- 120) Official arrangement allowing cruise ship passengers to bring bicycles ashore, 535
- 121) Recommendations of CAL study implemented in airline's operation, 536
- 122) When will National Health Insurance Plan be brought into effect, agreement on monthly premium, 538
- 123) Breakdown of ambulance calls from East End and North Side, 557
- 124) Type of material used on road surface at Cottage, Frank Sound, 557
- 125) Amount spent on travel by CI Port Authority 1989-April 1992, 559
- 126) Number of embezzlement or fraud cases in Government Service during last four years, 559
- 127) Number of GOL holders in hotel and restaurant industry, and positions held, 561
- 128) Number of people served with court ordered deportation, nature of crime, consideration of reversal of order, 562
- 129) Status of contract for clearing South Side Channel in Cayman Brac, 563
- 130) Cost of re-constructed road east of Frank Sound Junction, 564

- 131) Cost of new Port Authority facility, 582
- 132) US company supplying vehicles and equipment to CI Government, 583
- 133) CAL assets and liabilities (*withdrawn*), 585
- 134) Monthly cost of CAL leases, 585
- 135) Persons aged 17-25 convicted of criminal offences, 587 (*deferred*), 605
- 136) Rental cost of Miami Air and Air Atlanta 727 jets, 607
- 137) Number of people employed by CAL in North America, 608
- 138) Job description of CAL Vice President North American Operation, 610
- 139) Amount of annual subsidy paid to CAL, 610
- 140) Total funds provided by Government to CAL from 1968 to 1992, 630
- 141) Complaints received by Government from Caymanians employed at hotels along Seven Mile Beach, 632
- 142) Number of Caymanians employed at establishments, 633
- 143) Number of Caymanian teachers at institutions abroad, 653
- 144) Provision for employment of returning Caymanian university students during summer holidays, 654
- 145) Number of Caymanian and foreign students enrolled at Cayman Islands Law School, 655
- 146) Income and Expenditure of Health Services Authority, 687
- 147) Government's undertaking to use Central Tender's Committee in awarding hospital contract, 688
- 148) Problems with sewerage line along West Bay Beach, 690
- 149) Outstanding projects for Bodden Town constituency, 707
- 150) Regulations/guidelines for mining and dredging of marl, 708
- 151) Number of permits for mining of marl issued over past 12 months, 709
- 152) Funds allocated to agricultural feeder roads, 729
- 153) Amount spent on rental of Government accommodation, 823
- 154) Cause of tyre blow-out on CAL flight 071, 824
- 155) Debts Civil Aviation is unable to pay, 825
- 156) Type of investigation conducted by Government when foreign nationals apply for residency, 825
- 157) Group employees in Government service, 826 (*deferred*), 1027
- 158) Method for dealing with requests for street lights, 827
- 159) Completion of phase II of John A. Cumber Primary School, 827
- 160) Opening of new sporting complex in West Bay, 828
- 161) Radar station on south coast of Grand Cayman, 829
- 162) Complement of RCIP, 830
- 163) Cruise ship docking facilities and moorings, 831
- 164) Traffic hazard caused by parking on both sides of road in vicinity of Hyatt Hotel, 831
- 165) Sale of Government property, 853
- 166) Government surplus or deficit at end of August 1992, 856
- 167) Land acquisition for Breakers playfield, 857
- 168) Children suspended from Government Schools, 857
- 169) Provisions for children taking CXC exams, 858
- 170) Balance of Government's General Reserves, 860
- 171) Reason why DOT (Miami) is moving to another location, 861
- 172) Hotels operating without facilities for meals, 863
- 173) Qualifications of newly appointed Auditor General, 864
- 174) Tabling of Public Service Investment Committee Report on new hospital, 864
- 175) Number of Social Workers in Social Services Department, 866
- 176) Length of probationary period and number of persons retained on 'temporary' basis in Civil Service, 885



- 177) Percentage of increase/decrease in personal emoluments from 1988 to 1991, 887
- 178) Budget and staff complement of Computer Services, 887
- 179) Requests for pre-school subsidies, 889
- 180) Termination of CAL employees, 890
- 181) Revenue earned by West Shore Post Office, 892
- 182) Breakdown of yearly recruits to RCIP over past eight years, 892
- 183) Update on Guinness Peat Aviation law suit, 893
- 184) Expenditure to date on West Bay Birch Tree playing fields, 894
- 185) Complaints handled by Caymanian Protection Board, 913
- 186) Number of work permits issued since August 1991, 914
- 187) Number of juveniles incarcerated in Cayman Islands and provision for rehabilitation, 915  
(*deferred*), 1066
- 188) Total amount of taxes raised by Government and deficits since 1989, 916
- 189) Factors leading to sale of CAL aircraft, 917
- 190) Number of drug counsellors and qualifications, 918
- 191) Complaints received against RCIP, 947
- 192) Factors contributing to significant increase in overseas medical expenses in 1991, 949
- 193) Provision for training and promoting of capable young Caymanians at PWD and Land Registry, 950
- 194) Profit realised by CUC since 1984, 951
- 195) CUC pipeline reflect possible rate increase, 952
- 196) Environmental impact on proposed CUC pipeline, 953
- 197) Management of Town Halls and Civic Centres, 980
- 198) Government's policy regarding importation of heavy equipment, 980
- 199) Provision for management of Government properties, 981
- 200) Tabling of proposed revisions of Development Plan done by University of Tennessee, 982
- 201) West Shore Post Office: number of boxes, capital and recurrent expenditure, 983
- 202) Possible amendment to Division of Fences Law, 1990, 1024
- 203) Hardware/Software investment in Computer Services Department, 1025

### **Personal Explanations (S.O. 31)**

- McLean, Mr. Gilbert A., 1122
- Miller, Hon. D. Ezzard, 1122

### **Pierson, Hon. Linford A.**

- Annual Report (1991) of Central Planning Authority and Planning Department, 381
- Bodden Town Public Beach and Boat Ramp (PM 7/92), 699
- Cayman Islands Health Services Authority Loan Guarantee (GM 3/92), 481
- Closing statement, 1148
- Debate on Draft Constitution (PM 13/92), 959
- Development and Planning (A) (No. 2) Regulations, 1992, 729
- Development and Planning (A) (No. 2) Regulations, 1992 (GM 6/92), 806, 809
- Development and Planning (Tree Preservation Orders) Regulations, 1992, 729
- Development and Planning (Tree Preservation Orders) Regulations, 1992 (GM 7/92), 810, 815
- Financial Statements of Port Authority of Cayman Islands for year ended 31st December, 1991, 353
- Government Teacher's Cottage in Bodden Town (PM 10/92), 752
- Misuse of Drugs (Penalties) Bill, 1992, 261
- Port Authority of Cayman Islands Annual Report 1991, 1023
- Report on Street Naming and Property Numbering in Cayman Islands, 979

Swimming Pool/Sports Facility for Cayman Brac (PM 12/92), 820  
 West Bay Roadworks Programme (PM 6/92) 615  
 Water Authority Annual Report 1991, 945

### Points of Order

Misleading, 258, 437, 703, 1031, 1032, 1033, 1035, 1039, 1040, 1112, 1113, 1115  
 Relevance, 288, 691

### Presentation of Papers and Reports

1990 Report of Standing public Accounts Committee on Computer Services Department of Government of Cayman Islands, 1118  
 Annual Report (1991) of Central Planning Authority and Planning Department, 381  
 Agricultural and Industrial Development Board Report for year ended 31 December 1991, 493  
 Annual Report and Financial Statements of Civil Aviation Authority of Cayman Islands for period 31 December, 1991 and 1990, 629  
 Audited Accounts of Cayman Islands Government for year ended 31 December, 1992, 1053  
 Cayman Airways Limited Financial Statement as at 30th June, 1991, 443  
 Cayman Airways Limited Financial Statement as at 31 December, 1991, 1085  
 Cayman Islands Health Services Authority Forecasted Statements of Receipts and Expenditures for Ten Years ending 31st December 1992-2001, with Accountants' Examination Report, 355  
 Community College of Cayman Islands Annual Report 1992 and Financial Statements 1991, 946  
 Community College of Cayman Islands—Financial Statements for 1990, 229  
 Development and Planning (Amendment) (No. 2) Regulations, 1992, 729  
 Development and Planning (Tree Preservation Orders) Regulations, 1992, 729  
 Draft Constitution of Cayman Islands, July 1992, 823  
 Financial Statements of Port Authority of Cayman Islands for year ended 31st December, 1991, 353  
 Government Minute on 1991 Report of Public Accounts Committee on Auditor General's Report and Audited Accounts of Cayman Islands Government for year ended 31st December, 1990, 355  
 National Trust of Cayman Islands—Treasurer's Report for year ended 31 August, 1991, together with Annual Report, 229  
 Port Authority of Cayman Islands Annual Report 1991, 1023  
 Report of Auditor General on Audited Accounts of Cayman Islands Government for year ended 31 December 1991, 1053  
 Reports of Select Committee:  
     Elections Law, 413  
     Immigration Legislation (Special Fourth Interim), 493; Fifth and Final, 1118  
 Reports of Standing Business Committee  
     Meetings held 14, 27 February, 1992, 413  
     Meetings held 28, 31 August, 1992, 1119  
     Meetings held 17, 24, 29 June 2, 9, 17; July, 1992, 776  
 Reports of Standing Finance Committee  
     Meeting held 18 February, 1992, 203  
     Meeting held 3 July, 1992, 775  
     Meeting held 15, 16 July 1992, 1065  
     Meeting held 14 September, 1992, 1117  
     Meeting held 6, 12 March, 1992, 353  
 Reports of Standing Public Accounts Committee on Report of Auditor General on Audited Accounts of Cayman Islands Government for year ended 31 December 1991, 1053  
 Report on Street Naming and Property Numbering in Cayman Islands, 979

Ten Year Tourism Development Plan (1992-2002), 1086  
Water Authority Annual Report 1991, 945

### Private Members' Motions

1/92—Employment of effective Government and Judicial control of drug use and rehabilitation of offenders in Cayman Islands

Bodden, Mr. G. Haig, 172  
Bodden, Mr. Roy, 172  
Bodden, Mr. Truman, M., 208  
Bush, Mr. W. McKeeva (*Mover*), 71, 72, 153, 213  
Ebanks, Hon. Benson O., 207  
Ground, Hon. Richard W., 199  
Jefferson, Mr. John D., Jr (*Second*), 72, 210  
Kirkconnell, Capt. Mabry S., 174  
McLean, Mr. Gilbert A., 211  
McLean, Mr. John B., 206  
Miller, Hon. D. Ezzard, 157

2/92—Request for Services of a Behavioural Psychologist to support Education Department

Bodden, Mr. G. Haig, 69  
Bodden, Mr. Roy (*Mover*), 66, 69  
Bodden, Mr. Truman M., 69  
Ebanks, Hon. Benson O., 67  
McLean, Mr. Gilbert A. (*Second*), 66, 67

3/92—Reduction of Inflation and Cost of Living

Bodden, Hon. W. Norman, 306  
Bodden, Mr. Truman M., 309  
Bush, Mr. W. McKeeva (*Mover*), 241, 242, 321, 350, 357  
Ebanks, Hon. Benson O., 314  
Jefferson, Hon. Thomas C., 305  
Jefferson, Mr. John D., Jr (*Second*), 242, 319

4/92—Equitable Distribution System of Gratuities

Bodden, Hon. W. Norman, 369  
Bodden, Mr. G. Haig (*Second*), 367  
Bodden, Mr. Roy, 374  
Bodden, Mr. Truman M., 375  
Bush, Mr. W. McKeeva (*Mover*), 367, 375  
Jefferson, Mr. John D., Jr., 373  
Kirkconnell, Capt. Mabry S., 374  
McLean, Mr. Gilbert A., 371

5/92—Police Procedure for Handling of Juveniles and Interrogation of Public

Bodden, Mr. G. Haig (*Second*), 222, 232  
Bodden, Mr. Truman M., 233  
Bush, Mr. W. McKeeva, 237  
Ground, Hon. Richard W., 226, 230  
McLean, Mr. Gilbert A. (*Mover*), 221, 222, 239

- 6/92—West Bay Roadworks Programme  
Bodden, Mr. G. Haig, 613  
Bodden, Mr. Roy, 617  
Bodden, Mr. Truman M., 616  
Bush, Mr. W. McKeeva (*Mover*), 611, 621  
Ebanks, Hon. Benson O., 620  
Jefferson, Mr. John D., Jr. (*Second*), 611, 618  
Miller, Hon. D. Ezzard, 620  
Pierson, Hon. Linford A., 615
- 7/92—Bodden Town Public Beach and Boat Ramp  
Bodden, Mr. G. Haig (*Second*), 698, 702  
Bodden, Mr. Roy (*Mover*), 698, 704  
Pierson, Hon. Linford A., 699
- 8/92—Health Services Authority Contract  
Bodden, Mr. G. Haig (*Second*), 710, 715  
Bodden, Mr. Truman M., 717  
Bush, Mr. W. McKeeva (*Mover*), 710, 719  
McLean, Mr. Gilbert A., 713  
Miller, Hon. D. Ezzard, 715
- 9/92—West Bay Clinic Services and Improvements  
Bodden, Mr. G. Haig, 725  
Bush, Mr. W. McKeeva (*Mover*), 724, 725  
Ebanks, Hon. Benson O., 725  
Jefferson, Mr. John D. Jr. (*Second*), 724
- 10/92—Government Teacher's Cottage in Bodden Town  
Bodden, Mr. G. Haig (*Second*), 751, 756  
Bodden, Mr. Roy (*Mover*), 751, 752, 761  
Bodden, Mr. Truman M., 760  
Bush, Mr. W. McKeeva, 758  
McLean, Mr. Gilbert A., 760  
Pierson, Hon. Linford A., 752
- 11/92—Broadcast Standards Council/Commission (*Withdrawn*)
- 12/92—Swimming Pool and Sports Facilities for Cayman Brac  
Bodden, Mr. G. Haig, 820  
Bodden, Mr. Truman M., 821  
Bush, Mr. W. McKeeva, 820  
Kirkconnell, Capt. Mabry S. (*Mover*), 818, 819, 821  
McLean, Mr. Gilbert A. (*Second*), 818, 819  
Pierson, Hon. Linford A., 820
- 13/92—Debate on Draft Constitution  
Bodden, Mr. Roy, 907, 918

Bodden, Mr. Truman M. (*Mover*), 834, 868, 1104, 1129  
 Bush, Mr. W. McKeeva (*Seconder*), 834, 1009, 1029  
 Ebanks, Hon. Benson O., 932, 1099  
 Jefferson, Mr. John D., Jr, 941, 954  
 Kirkconnell, Capt. Mabry S., 1090  
 McLean, Mr. Gilbert A., 871, 895  
 Miller, Hon. D. Ezzard, 924  
 Pierson, Hon. Linford A., 959

14/92—Twenty-four Hour Police Presence in Bodden Town District

Bodden, Mr. G. Haig (*Seconder*), 1141, 1142  
 Bodden, Mr. Roy (*Mover*), 1140, 1141, 1142  
 Hurlston, Hon. J. Lemuel, 1141

### **Proclamations**

2/92—Summoning new Session, 1

### **Ryan, Hon. James M.**

Draft Constitution of Cayman Islands, July 1992, 823  
 Local Companies (Control) (A) Bill, 1992, 1002, 1004  
 Notice of Motion to Amend Legislative Assembly Standing Order (Revised) (GM 5/92), 817  
 Oath of Allegiance, 795, 823  
 Trade and Business Licensing (A) Bill, 1992, 1000, 1002

### **Smellie, Hon. Anthony S.**

Bail Bill, 1992, 395, 399  
 Juveniles (A) Bill, 1992, 571  
 Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, 401, 407  
 Oath of Allegiance, 381  
 Report of Select Committee on Elections Law, 413

### **Speaker's Announcements and Rulings**

Closing statement, 1143  
 Department of Members, 723  
 Members ordered to cease talking across floor, 159, 275  
 Member asked to refrain from using unparliamentary phrase, 292, 333  
 Order called for in public gallery, 511, 521, 1117  
 Tribute to Hon. First Official Member upon his retirement, 380

### **Statements by Members of the Government**

#### Bodden, Hon. W. Norman

-Report of Public Accounts Committee on Audited Accounts of Government of Cayman Islands for year ended 31 December, 1991, 1119

#### Hurlston, Hon J. Lemuel

-Electoral Boundaries, 355  
 -Roads in District Administration, 356

#### Miller, Hon. D. Ezzard

-Bodden Town Grave Yards, 325

**Suspension of Standing Orders**

S.O. 10(2), 553, 938, 971, 1049, 1081, 1109, 1139  
 S.O. 14(2), 206, 710, 884  
 S.O. 14(3), 973  
 S.O. 23 (7) and (8), 26, 55, 86, 390, 475, 504, 534, 832, 862, 893, 953, 1066  
 S.O. 46 (1), 1068  
 S.O. 49, 800  
 S.O. 72(5), 204, 353, 1064

**Throne Speech** (*see also: Debate on*), 2

**Tributes to Honourable First Official Member upon his retirement**

Bodden, Mr. G. Haig, 378  
 Bodden, Mr. Roy, 379  
 Bodden, Mr. Truman M., 379  
 Bush, Mr. W. McKeeva, 377  
 Hurlston, Hon. J. Lemuel, 376  
 Jefferson, Hon. Thomas C., 380  
 Jefferson, Mr. John D. Jr., 380  
 McLean, Mr. Gilbert A., 379  
 McLean, Mr. John B., 379  
 Speaker, 380

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**MEETING DATES AND PAGES**
First Meeting

14th February, through 16th March, 1992—pages 1-380

Second Meeting

22nd June, through 27th July, 1992—pages 381-822

Third Meeting

2nd through 18th September, 1992—pages 823-1152

**FRIDAY  
14TH FEBRUARY, 1992  
9:41 A.M.**

**MADAM SPEAKER:** Prayers by Pastor James Arch.

**PRAYERS**

**PASTOR JAMES ARCH:** 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.

**PROCLAMATION NO. 2/92  
SUMMONING THE NEW SESSION OF THE LEGISLATIVE ASSEMBLY**

**CLERK:** Proclamation No. 2/92 by His Excellency Alan James Scott Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire Governor of the Cayman Islands:

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

NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, Alan James Scott, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, do hereby proclaim and make known that a session of the Legislative Assembly of the Cayman Islands shall be held in the Legislative Assembly Building in George Town, Island of Grand Cayman at 10 A.M. on the Friday 14th day of February, 1992. Given under my hand and the Public Seal of the Cayman Islands at George Town at the Island of Grand Cayman this 31st day of January, in the year of our Lord 1992, in the 40th year of the reign of Her Majesty Queen Elizabeth II, God Save the Queen."

**MADAM SPEAKER:** The Legislative Assembly is now in session, I call upon the First Official Member of Government.

**MOTION TO ARISE TO AWAIT HIS EXCELLENCY THE GOVERNOR**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I propose that this House do rise to await His Excellency the Governor and reassemble, on his arrival, to receive a gracious message from the Throne.

**MADAM SPEAKER:** The question before the Honourable House is that this House do rise to await His Excellency the Governor and reassemble, on his arrival, to receive a gracious message from the Throne. I shall put the question. Those in favour please say Aye....those against No.

**AYES.**

**MADAM SPEAKER:** The Ayes have it.

**AGREED. THAT THIS HOUSE DO RISE TO AWAIT HIS EXCELLENCY THE GOVERNOR AND REASSEMBLE, UPON HIS ARRIVAL, TO RECEIVE A GRACIOUS MESSAGE FROM THE THRONE.**

**AT 9:44 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 10:00 A.M.**

### **ARRIVAL OF HIS EXCELLENCY THE GOVERNOR**

The Governor's ADC gives three knocks on the Chamber doors which are opened by Staff of the Legislative Assembly. The Serjeant-At-Arms, heading the procession announces: "His Excellency the Governor."

**Procession:**

*The Serjeant-At-Arms*  
*The Speaker*  
*His Excellency the Governor*  
*Mrs Scott*  
*The Governor's ADC*  
*The Clerk of the Legislative Assembly*  
*The Deputy Clerk*

As the Procession makes its first steps into the Chamber, all stand.

On reaching the Speaker's Dais, His Excellency the Governor moves to the Speaker's Chair, Madam Speaker takes a seat on His Excellency's right and Mrs Scott and ADC to the left. His Excellency the Governor bows to the right and left and takes his seat.

**MADAM SPEAKER:** Your Excellency, I have the honour to invite you to address this Honourable Legislative Assembly.

### **THE THRONE SPEECH**

**AS DELIVERED BY HIS EXCELLENCY THE GOVERNOR  
 MR. ALAN JAMES SCOTT, CVO, CBE**

**HIS EXCELLENCY THE GOVERNOR:** Madam Speaker, Honourable Members of the Legislative Assembly: when we met a year ago for the opening meeting of 1991, the war in the Middle East was in progress and there was great anxiety about the security of the world order, and its economy. Since then, that war has been concluded. The former Soviet Union has dissolved into several new parts. The world economy has been distinctly mixed, and in particular the United States experiences continuing weakness in its economy, with inevitable effect upon Cayman.

Today, the 14 February, is celebrated as St. Valentine's Day, a day of optimism and affirmation of mutual trust, a propitious day for this Assembly to commence its final session before dissolution in November. This year's speech will be shorter than last year, so may I remind Honourable Members of the comprehensive annual report produced by Government Information Services, which sets out in detail the activities of Departments. These activities are also subjected to scrutiny in the debate on the Budget, and by Finance Committee when studying the Appropriation Bill and supplementary expenditure proposals.

Our anxiety a year ago about the economy has been justified. Cayman did not enjoy a strong year economically in 1991, with a 6% reduction in tourist air arrivals, balanced to some extent by a 47% growth in cruise ship arrivals. There was some apparent contraction in employment and probably little real growth in the gross national product. In relative terms, our economic performance cannot be described as unsatisfactory, although not as good as the rapid growth experienced in the latter 1980s.

As has been remarked elsewhere, the best we can do is to maintain and improve our service industries in the financial and tourist sectors; make sure that our markets know about the quality of our products and services; and because we are a maturing economy, to continue the policy of careful allocation and control of Government resources. It is once more an especial pleasure to pay tribute to the fine service given to the community by the churches, the voluntary associations and by individuals. These services are all the more valuable in times such as now.

### **THE JUDICIARY**

The level of litigation, both civil and criminal, has not abated. The pressure on accommodation in particular for the Magistrates' Courts, is severe and the Government is examining ways to improve that situation. To some extent, this reflects pressure on the accommodation of Government departments generally, and the Government is committed to finding a long term solution to these needs.

It is gratifying to observe that the Justices of the Peace have formed an Association and collectively become active. The Justices have an increasingly important function both in the Juvenile Courts, and dealing with minor criminal matters. I understand that a suggestion from one of the Cayman Brac Justices has led to considering the extension of the jurisdiction of the Justices of the Peace to civil cases at the level of the Magistrates



Court. Concern continues about the provision of adequate legal aid which has, generally, functioned with a measure of success despite complaints about fee levels. The Chief Justice has proposed that the question of legal representation of the economically disadvantaged should be again reviewed. The body constituted to do this could include representatives of the Judiciary, the Bar and the Attorney General's Chambers.

With the number of graduates increasing over time from the Law School, we may hope that these young practitioners will find time to practice in Court and in particular in legal aid cases. The Law School in the Islands has, after all, benefitted them financially and by its very location on their way to professional qualifications.

### **THE PUBLIC SERVICE COMMISSION**

The process and report of the Constitutional Commission brought the Public Service Commission and its responsibilities more into public awareness than ever before. Its important advisory functions to the Governor in recruitment, discipline and promotion in the Civil Service, and very important, the Caymanisation of the service, are now better understood. The Commission meets regularly each week and during 1991 has done much useful work, for which I thank and commend them. I understand that a report is to be compiled for 1991, and the intention is to produce an annual report in future. This will be most useful, both to record their activities and to keep the public informed.

The Commission is considering the implications and practicability of a "Positive Action Programme" to channel Caymanians into professional careers much needed in the Civil Service. For the present it has decided to limit recruitment in the Higher Executive, Executive and Clerical grades to Caymanians and those with Caymanian status, because recruitment to those grades seems somewhat easier due to the current economic situation and, I hope, to improved in-service training now provided. Restriction in recruitment to Caymanians only in the important posts of Administrative Officer has always been the case and there are now over 30 of these young officers in the civil service whom we may expect in the future to fill senior posts.

### **THE PORTFOLIO OF FINANCE AND DEVELOPMENT**

The Financial Secretary outlined in his Budget Speech three months ago the significant changes in the composition and presentation of the 1992 Budget. It is now more comprehensive and for example contains departmental plans. Controlling officers can now access budget details through the Government's computer network.

The out-turn for 1991 was rather better than expected. Preliminary indications are that the accumulated surplus for 1991 will be approximately \$5.5 million. This is higher than the forecast at the time of the introduction of the 1992 Budget of \$2.1 million, due to higher receipts, and somewhat lower recurrent expenditure than forecast. In passing, I congratulate this House on the 1992 Budget, a prudent combination of controlled recurrent and capital expenditure and a realistic approach to the necessary increasing of revenues to meet the Government's programmes and requirements.

In May, Cayman will host the 22nd Annual General Meeting of the Board of Governors of the Caribbean Development Bank. This meeting will for the first time be held in one of the five Caribbean British Dependent Territories, which jointly hold a seat on the Board. The Financial Secretary is the Representative Governor on this Board for the five territories for the fiscal year 1992/93, and as such he will be Chairman of this meeting. Some 200 delegates are expected from all over the world including several Prime Ministers and Ministers of Finance in the Caribbean. This is a signal tribute to our standing in the Caribbean financial community.

### **AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD**

Low cost loans for Caymanians undertaking training courses will continue to be provided and the Government has granted an additional \$120,000 to the Board for this purpose. The Government has also enabled a new line of credit for US\$1.2 million from the Caribbean Development Bank, which will help the Board to expand its activities in financing projects in the industrial, tourism, and agricultural sectors.

### **BANKING SUPERVISION**

The consolidation of the banking industry continues, with a net decline of 2 licenced banks to the present total of 544. The sound policy of restricting new licences to branches or subsidiaries of established banks continues. In other words, private banks are no longer granted licences.

The banking event of the year worldwide was the closure of BCCI and its related companies. We played our part in this necessary if dramatic action, with the Supervisor of Banks being a member of the Committee of International Supervisors dealing with the problem. We feared that it might have severe and lasting results on our industry, but so far this has not been the case. In the face of initial but fading adverse publicity, we have continued to make clear our intention to run an industry of high quality and standards. The Bankers' Association held their 3rd Biennial conference in November, the principal subject being Private Banking in the Nineties, with 70 of the 140 delegates coming from overseas.

The appointment of Mrs. Jennifer Dilbert as Inspector of Banks and Trust Companies, the first Caymanian to achieve this post, was greeted warmly both in the banking industry, and in the community at large. She has a daunting task but I am confident that she will cope most manfully - if I may use that expression - with it.

### **CUSTOMS DEPARTMENT**

Revenue collected was pretty well on target at CI\$43.4 million. The computerised Customs import and export system Phase I came into operation in the middle of last year, and the second phase is expected to commence soon. Enquiry points have been set up in George Town at the Airport to help importers and agents in the correct classification of goods. The Department will provide short training courses for traders' staff, if this is requested.

In the continuing fight against drug trafficking, the Collector of Customs and the Commissioner of Police have recently developed an agreement defining the roles of their two services, in order to get the best results by cooperation and the exchange of information. Their officers have attended more joint drug awareness courses, and Customs is continuing specific training for investigation, surveillance and interrogation techniques to ensure more effective prosecutions.

### **INSURANCE DEPARTMENT**

Worldwide conditions continued adverse in the captive insurance market and the net gain of seven companies to our register in 1991 was therefore satisfactory. There are now 365 such companies with total assets of \$4.5 billion, and Cayman's position as the number two market in the world is strengthened.

Domestically, two of the largest overseas companies, Prudential and Manufacturers Life withdrew; however, their business was successfully assumed by Lloyds of London and Global Life Assurance Company. There were no catastrophic losses in the domestic market during the year, but the losses of previous years had resulted in higher rates in 1991. In 1992 the Department stands ready to assume the responsibilities which would derive from the proposed Health Insurance Law. This will increase their work-load considerably and some restructuring of the Department may be necessary.

### **MARINE SURVEY DEPARTMENT**

The promotion of the shipping Register, which was upgraded to Category I by the United Kingdom during the year, continues. This upgrading means that there is no restriction on the size, type and age of vessels which can be registered here. International conferences in Connecticut and Miami were attended by staff; and a promotional seminar, well attended, was held in London. Local craft regulations have been recently drafted and published for public comment, which is continuing vigorously. The major legislative success of the year was the passing of the Registration of Merchant Ships Law, which among other things provides for demise charters. After the years of weeding undesirable ships from the Registry, it is now beginning to grow.

### **REGISTRAR GENERAL'S DEPARTMENT**

The companies register continued to grow, by a net 1,440 companies, or 6.5%. This growth is predicted to continue, and revenue will improve significantly, by reason of the increase in fees, the first time for 10 years. The Department will reduce the present time taken to process company documents from 3 to 4 days, to the previous level of 2 to 3 days. The sheer pressure of business caused this slowing down, and it is important that the Department gets back into gear in this regard. Further enhancement of the computer system should assist.

### **STATISTICS DEPARTMENT**

The Department will continue the principal projects - the statistical abstract, vital statistics, overseas trade reports and the consumer price index. It has taken on the annual survey of the banking and the insurance industries, which together with the annual business survey provide the major source of information in the production of national income accounts. This year's annual business survey will cover transportation, communication and personal services, so we should get useful information on the contribution made by the Water-sports Industry and non profit organisations to our economy.

### **THE DEPARTMENT OF THE TREASURY**

The continuing re-organisation of the Department resulted in a reduction of staff levels, and a high standard of accountability based on comprehensive and readily available information. Members are aware of this from their scrutiny of the annual accounts and the Auditor General's report.

### **THE LEGISLATIVE DEPARTMENT**

I have left this Department to last in this portfolio, not because it is the least important; certainly not! Apart from its constitutional position, it had another busy year with 60 sitting days, slightly less than 1990 at 65 days. There are also several Standing and Select Committees, and in particular the committees on the Constitutional Review and the Immigration Legislation had a great deal of work to get through. The Clerk and her staff have coped with this admirably. The Speaker has been in office for a year, and with possible changes in the Constitution after the election, I suggest that it would be useful to review the location of the department in the Finance and Development portfolio, and to consider whether it should become a separate department under the charge of the Speaker, along the lines of the Judiciary and the Public Service Commission.

## THE PORTFOLIO OF LEGAL AFFAIRS

The Attorney General's Chambers had an extremely busy year internally and externally, due largely to the collapse of the BCCI group and the resulting investigations. 1992 promises to be at least as busy a year and the Legal Drafting Section in particular faces heavy demands. The 1988/89 edition of the Cayman Islands Law Reports is expected to be published during the year.

### THE LAW SCHOOL

Five students graduated from the Attorney at Law course, with one other graduate receiving the Liverpool Bachelor of Law degree. Lord Templeman, the distinguished Law Lord and Law School Patron attended for the 1991 graduation ceremony.

1991 saw the introduction of the University of Liverpool Honours degree course for the Bachelor of Law, another significant step in the enhancement of the qualifications studied for at the Law School. The present enrolment is 44: 14 in the five year Attorney at Law course, 15 in the new three year Honours Degree course, and one in the four year degree course. The remaining 14 students are taking the Diploma in Legal Studies course. In 1992 the graduation is expected of three Attorneys at Law and one from the four year university programme.

### THE LEGAL DEPARTMENT

Despite the general restriction on filling vacancies, the Department has had to cope with an increasing work-load including such complex prosecutions as two murder cases, a bank robbery, and a number of serious fraud cases. 1992 opened with 23 indictments pending before the Grand Court, including some very serious offences. The Department represents Government in civil disputes and has been heavily involved in the events following the BCCI closure, provisional liquidation and related proceedings. The Department also assists the Chief Justice in the consideration and furthering of requests from the United States Department of Justice under the Mutual Legal Assistance Treaty.

## THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

### THE ROYAL CAYMAN ISLANDS POLICE FORCE

The Commissioner's annual report will shortly be tabled in this House. It shows that compared with most countries, the Islands remain distinctly law abiding. Yet this is no reason to be complacent about the situation, not for the police, nor for the Government, nor for this House and the general public.

There was a significant increase in certain categories of crime, in particular burglaries and drug related offences. The Force continued to target drug dealers and traffickers and the result has been a significant increase in convictions in that category. There was a welcome reduction in the number of traffic accidents and in the number of fatalities, but there are still too many. The principal causes continue to be alcohol, excess speed and sheer carelessness. It is very sad that so many people still fail to accept their responsibility to others when in charge of motor vehicles, particularly at night. The Police are committed to doing their part in the implementation of the new Road Traffic Law recently passed in this House.

### THE PRISONS DEPARTMENT

The escape of a long sentence prisoner in October last year shook the community, but it also demonstrated the problems of the Prisons Department in humanely handling such prisoners. Recommendations arising from the enquiry are being implemented, but at the same time we must accept that if society is prepared to put people into prison for long periods, it must also accept that they cannot simply be left there to rot. They must be treated as human beings and they must, if possible, be rehabilitated. There was severe overcrowding on the male side of the prison during much of 1991, but the figures do fluctuate and further accommodation development in 1992 should cope with this problem.

A prison chaplain and two teachers will be appointed during 1992, and a wider curriculum agreed with the Education Department will be instituted to provide particularly for younger prisoners and females. Drug counselling programmes will be expanded and an additional counsellor is hoped for early in the year.

The Department's agricultural activities continue well and a fair proportion of food consumed in the department is produced by prison labour. It is of interest that at the end of the year approximately 36% of convicted prisoners in Northward were non Caymanians.

### IMMIGRATION

The Select Committee on the Caymanian Protection Law and related legislation has completed its initial review and a draft document is being studied by the Select Committee preparatory to issue for public discussion. The final phase of the development of new offices for the department will be completed during the year, and I believe that the public already appreciate the better service and surroundings available. We now have 52 illegal Cuban immigrants, in humanitarian terms understandable, but regrettably unacceptable. The Islands are too small to accept any such inward migration of economic refugees. The Government will continue its efforts to place them elsewhere or if necessary to repatriate them.

## GOVERNMENT INFORMATION SERVICES

The work of the Department increases, as one might expect. The number of press releases dealt with, the number of letters replied to and other requests for information continues to increase. The Department collaborated with other Government departments for example during Road Safety Week and Drug Awareness Week and in several initiatives by the Health and Social Services portfolio. The new style of the Official Gazette has been welcomed and the speed with which it is prepared and issued is favourably noted.

Again, I am pleased to commend the Department on the production of the annual report for 1990. It is 25% bigger than any previous year, and this is an instance where bigger is also actually better. The report is a silent but effective ambassador abroad for the diverse activities of Cayman.

## DISTRICT ADMINISTRATION

As in Grand Cayman, Cayman Brac and Little Cayman saw a downturn in tourism during 1991. However, the construction sector was helped by an upswing in construction in Little Cayman, and the new industrial arts block at the Cayman Brac High School. The Crows Nest telephone exchange was opened in Little Cayman, and Cayman Brac Power and Light Company extended its services across the North Coast and is extending towards the Western end.

Texaco Caribbean Inc. broke ground for the diesel and gasoline bulk storage at the Creek on Cayman Brac which will be a most useful facility. The Water Authority officially opened its plant at West End and piped water will, we can expect, be extended further in future. Trucking facilities, meanwhile, are much improved. All these initiatives will aid the further development of Cayman Brac and Little Cayman.

For 1992, Government projects include continuing to reconstruct the South coast road west in Cayman Brac and beginning the realignment and reconstruction of Bert Marson Drive, a vital link to the two hotels on the South coast. The channel through the reef near the Government jetty on the south west end of the Brac will be widened and deepened during the year, making it safer and more accessible to dive operators and others. The Government continues to accept that Cayman Brac and Little Cayman need an unusually high proportion of capital and other development input, and will do everything it can to see that their reasonable needs are met.

## BROADCASTING

Another good year for Radio Cayman, expanding FM services by 20 hours a week and covering 90% of recurrent expenditure. New office accommodation has been completed and should be adequate for the next 10 years or so. In 1992 AM broadcasts should be phased out, with services becoming completely FM. Modern digital recording processes are to be installed in the production studios, and local programming will be expanded.

## TELEVISION

I mentioned last year the advent of CITV which continues to serve the community. The Government has since then granted approval in principle for three non exclusive licences to TV consortia, including CITV, and for a radio licence to a private company.

## THE CIVIL SERVICE PERSONNEL AND RELATED SERVICES

Government recognises the importance of personnel development in particular through training and management, as vital to the future development of the civil service and in the wider context, to the Islands themselves. The Personnel Department now comprises three units: Management Services, Computer Services and Training.

### MANAGEMENT SERVICES UNIT

In its first year of operation this unit has completed significant reviews in social services, tourism, central funding scheme, personnel itself and overtime. It has nearly completed reviews of computer services, natural resources and purchasing. It has played an important part in the examination of requests for re-grading, for additional posts and for filling vacancies. It has more than paid for itself in sensible recommendations to reduce recurrent expenditure.

### COMPUTER SERVICES UNIT

This unit has supplied two thirds of the Customs Imports and Export System referred to earlier and also completed projects with the banking registry, trade and business licences and police incident logging system. On a personal note I might add that as an unreconstructed manuscript scribbler, they have inveigled me into preliminary training on a personal computer.

### TRAINING UNIT

This provides courses in Cayman for clerical officers, customer relations and in training trainers. By the end of the year, training was in progress for executive officers and advanced clerical officers. Eighteen officers

are overseas on long term training and 3 on short term. As I speak, 18 officers are attending the Attorney at Law or Diploma of Legal Studies course and 35 are taking the Certificate of the Association of Accounting Technicians. The Unit's accommodation was expanded in late 1991, and an additional training officer will be appointed in 1992.

So, there is much personnel activity for 1992, with the general focus upon further improvement of staff relations and management development by way of job evaluation, a performance appraisal scheme and improved recruitment policies. Help will be given to civil servants who develop problems with drugs and alcohol, and a no smoking policy for Government office buildings is under discussion. Particularly important will be work to develop more specific career planning and to meet future demands for staff with particular skills and experience. I hope that the response will be compatible with what is on offer: it is surely not blasphemous to remind ourselves that God helps those who help themselves.

## **THE PORTFOLIO OF TOURISM, AVIATION AND TRADE**

### **TOURISM**

The year 1991 was a difficult and competitive year for tourism world wide, but particularly in the Caribbean. The Gulf War, the rising cost of fuel, the US recession and the demise of Pan Am all contributed to a poor year for air arrivals in Cayman. The United States sector of our market, by far the largest, declined by 7% from 1990; and the Canadian market likewise. However, efforts to expand our market base in the United Kingdom and Europe paid dividends and although from a small base, showed growth of 11% and 23% respectively. The total effect was a drop of 6%, but we should remember that 1990 was a record year, being over 20% up on 1989.

Cruise ship arrivals rose by 46% to over 474,000, due largely to the new mega ship the "Ecstasy" coming into service. The summer cruise ship business was not as slow as traditionally, because the Gulf Crisis caused several lines to cancel or reduce their Mediterranean schedules and switch to the Caribbean.

The year 1991 saw the opening of the new Sleep Inn with 116 rooms and the Spanish Bay Reef, the first all inclusive facility, with 50 rooms. On the other hand, the Grand Pavilion Hotel closed at the end of the year, depriving us of some 80 rooms. The year 1992 will be a difficult year, although by careful analysis and assessing marketing arrangements, the Department of Tourism forecasts a modest increase in air arrivals and a small increase in cruise ship visitors. But this will only be achieved by continuing hard effort in sales and marketing and by continuing realisation of the fact that our tourist product is unique and we must continue to maintain its quality.

The portfolio led the formation of the Cayman Historic Sites Committee with membership from the private sector and organisations including the National Trust and the National Museum. The Committee works to assist development and restoration of historic sites such as Pedro Castle, the National Trust Botanical Park, the Wreck of the Ten Sails, the Blow Holes in East End and lighthouses. Some of these projects are relatively small, but some, such as Pedro Castle, are very large and will take years to complete. The Government has allocated funds in the 1992 Budget to make a start on some of these projects.

Early last month, the Central Tenders Committee awarded a contract to Coopers and Lybrand Consulting Group of Edmonton, Canada for the preparation of a ten year Tourism Development Plan for these Islands. Work has begun and the plan is expected to be completed by July 1992, addressing subjects including marketing, cruise ships, hotel development, architectural design, planning and organisational needs.

### **CIVIL AVIATION**

Rehabilitation work at Owen Roberts Airport will be completed during the year. The runway repairs and work on the general aviation apron are nearing completion and Phase II, covering repairs to the taxiways and apron at the main terminal, will be commenced and completed during the year. New VOR navigational equipment is being purchased and will be installed by the manufacturers in the first half of the year, replacing the old VOR which has been rendered out of date by the proximity of buildings in the approach area of the runway. On Cayman Brac, work started last year to repair the runway and will be continued and completed in 1992. The runway and the associated strip will then be fully up to international standards.

On 11 October the unfortunate accident occurred involving a Boeing 737-300 of Cayman Airways. Fortunately, and with effective emergency services operations, there were only a few very minor injuries. The airport remained operational during the salvage period, which took only 3 days. I have not yet received the final report of the UK Air Accident Investigation Branch, but expect it soon. A study on the possible extension of the runway at Owen Roberts will be completed early in 1992, taking into account forecasts of equipment to be used by air carriers, alternative extension possibilities, methods of construction and, not least, the cost.

### **TRADE AND LABOUR DEPARTMENT**

The education of employees and employers on all aspects of the Labour Law will continue, in order to reduce the number of complaints and violations of the law. Although the labour legislation which came in in 1987 has with minor exceptions served the Islands well, it is imperative that everyone should understand the provisions of the Law, in order to enhance working relationships. On site inspections of workplaces will be increased in 1992. The Department will continue to work with the Immigration Department and the Protection Board to provide information of available local manpower, in order to minimise the need for imported labour.

### **FIRE SERVICES DEPARTMENT**

The emphasis on training will continue, because on a state of competent readiness depends the

efficiency of this service. More officers will be sent to specialised courses in the UK and USA, and local control and command courses will again be provided.

The important relationship with the Central Planning Authority, the Hotel Licensing Board and the Liquor Licensing Board will continue, with the emphasis on fire prevention and means of escape, in accordance with international standards. There will be regular inspections of all buildings used by the general public. A new replacement airport crash tender has been put in service in Cayman Brac to replace the one written off in an accident last year. In Grand Cayman, a new rescue launch came into service last month. Cayman can indeed be proud of the efficiency and devotion to duty of the Fire Services Department.

### **CAYMAN AIRWAYS LIMITED**

CAL continues to make a valuable contribution to the sustenance and development of the tourism industry. The national airline barely survived the appalling market conditions which plagued the industry worldwide in 1991, and would not have done so without the financial assistance of the Government. The demise of two major airlines which once served Cayman underlined the value of operating our national airline, and of taking a broad view of its contribution to the economy, referring not only to the revenue and expenditure figures of the airline itself. The Government has been in close consultation with the UK Government in regard to air services between Cayman and the United States, with a view to ensuring fair opportunity for Cayman Airways to compete with US carriers.

## **THE PORTFOLIO OF EDUCATION, ENVIRONMENT, RECREATION AND CULTURE**

### **EDUCATION**

Honourable Members recently approved the Education Review and the five-year education development plan. Implementation has begun. I shall therefore not go into detail, for the plan was thoroughly aired, community wide. Suffice it to say how vital it is that it should be implemented wholeheartedly and in a timely manner. It places the principal responsibility upon the Education Department, supported by the portfolio; but also makes clear the responsibilities of parents, and of the community to help in the further development of the system.

In adult education, as well as vocational and post secondary education, it was inspiring to witness the opening of the new premises of the Community College and to support it in its efforts to expand the linkage between the Government and the private sector, and to provide refresher and retraining courses as well as upgrading. In this connection the link with the University of the West Indies distance teaching project will be most important, and we are grateful for the help of the Canadian International Development Agency.

### **THE ENVIRONMENT**

In 1992, the Natural Resources Unit will expand its efforts to protect the coastal parks and to prepare legislation to encourage and to enhance the species and habitat types. New technologies will be used to measure water temperature down to 800 feet, in order to monitor the effects of temperature fluctuation on our sensitive reef systems.

There will be more detailed monitoring, and development of policy, in regard to water quality and sedimentation from dredge and water company operations. It is hoped to present a detailed survey with recommendations to Government, in regard to the need for deep water permanent moorings for cruise ships.

### **THE NATIONAL TRUST**

The Trust had a successful year in 1991 and the Government looks forward to continuing its productive relationship with the Trust, both financially and otherwise. The Trust's most ambitious project, the National Botanic Park, is being developed on land owned jointly by the Trust and Government. The Park will be an important resource not only for tourism, but also for recreation and education. A good start has been made with the master plan and administration building, trails and the first small gardens.

The Trust has begun to help Government in developing other tourist resources, for example the Bodden Town Guard House. The Trust will be much involved in the restoration of Pedro Castle, the old Savannah School House, the old School House at Boatswain Bay and the development of Lighthouse Park at East End. The creation of the 100 acre parrot reserve on Cayman Brac will serve as the focus for continued work on the greatly endangered Brac parrot. A grant from the World Wildlife Fund will permit major progress in the Grand Cayman Blue Iguana programme. Perhaps most significant has been the work of the Trust in historic and environmental education, with particular emphasis towards and with our young people.

### **THE CAYMAN NATIONAL CULTURAL FOUNDATION**

The Foundation maintains and manages the Harquail Theatre, which had an active year in 1991 and expects in 1992 many interesting events including the schools' National Cultural Festival of the Arts, mathematics and science exhibitions by the Education Department, and some 24 other local and international events, as well as eight 8 Foundation sponsored productions.

The Foundation's annual play-writing workshops and competitions offer intensive training to aspiring writers and will be expanded to give instruction and incentives for other forms of creative writing, including short stories and poetry. Winning entries in the plays category will again be produced by the Foundation and performed at the Harquail Theatre, and toured around the districts.

Dramatic performances can also carry relevant educational content, for example the show "One of our sons is missing" which has involved the combined efforts of the Foundation, the Support Network for AIDS patients and the departments of Public Health, Education and Social Services, together with a large number of other groups and individuals. The first annual Caymanian comedy review "Rundown" will be produced during the year. A number of Foundation commissioned plays and other works by Caymanians are being considered for production.

It had been hoped to send a Cayman group to the Caribbean Festival of the Arts in August in Trinidad, with Government support and coordinated by the Foundation. The 5th CARIFESTA has again, however, been postponed. Cayman participation was aimed to include a piece of theatre, a dance programme and an exhibition of visual arts, perhaps 25-30 people in all. This would serve not only to show the outside world what Cayman is producing; it would also benefit considerably our own artists through international exposure. We can only hope that the delay in putting on the Festival will not be for long. The third International Music Festival in Cayman last month demonstrated how fruitfully local and overseas artists can combine to mutual pleasure and public benefit. It was a real pleasure to welcome them all to Government House on 21 January.

### **THE NATIONAL MUSEUM**

The Museum has established itself firmly both in local esteem and in tourist interest. The year 1992 will continue to feature Caymanian art in the temporary exhibit gallery, as well as exhibits on the environment and history. It is hoped to take some of these exhibits, as they are rotated during the year, out to the districts, including Cayman Brac and Little Cayman. The educational mission of the Museum will continue with a series of lectures on historical, natural and archeological topics. Classes will be held on subjects such as thatch work and rope making.

### **THE NATIONAL ARCHIVES**

The new facility off Thomas Russell Way was completed late last year, so that Archive staff can now concentrate on their principal tasks of operating a records management service for all departments and finding, preserving and providing access to historical archives. During 1992 many of the oldest archives will be moved into proper storage, conserved, microfiched and classified. Tapes and transcripts from the Memory Bank, which is now part of the Archives, will become available for research after analysis and listing. The National Library will be developed and it is expected to have some 2,000 volumes by the end of the year. Much fascinating information about Cayman from England, Jamaica and Spain has been found and copied, and efforts will continue in those places and elsewhere. It is amazing what has so far been found, and collections should continue to grow.

### **THE PUBLIC LIBRARY**

The emphasis will be on promoting public library services and implementing those aspects of the library services review which are accepted by Government. A guide to library services will be prepared and distributed to explain what is available in the libraries in George Town, East End and Cayman Brac; and a special guide on the concept of family reading will be published. Improving adult literacy is important in Cayman, and a list of support materials for adult new readers will be made available for tutors and friends.

The 1991 summer reading programme attracted 277 children. In 1992 the theme of the programme will be the Olympics, and with games and prizes the programme will reinforce the idea that reading and learning can be fun as well as educational.

### **SPORTS**

Government will continue to assist national associations with their development programmes, by way of facilities and grants, and the provision of expertise from the Sports Office. It is hoped to establish a coaches association and a sports medicine association. The draft development plan for sports should be completed and will be circulated for public comment. Teams from Cayman will take part in several international competitions both here and abroad, the most prestigious being the 1992 Olympics in Spain.

### **THE CAYMAN TURTLE FARM**

During 1992 the Board will consider new features for the site, to increase its attractiveness. An increase in visitors and associated revenue is forecast. A pilot project investigating the feasibility of raising red fish (*scianops oceallatus*) commercially, will be continued.

### **THE PORTFOLIO OF HEALTH AND SOCIAL SERVICES**

During the last three years the Portfolio has concentrated on comprehensive development planning in each of the four areas which it administers. In the MEDICAL HEALTH SERVICES field, major changes were proposed in 1989, accepted as policy in 1990 and have resulted in the creation of the Health Services Authority and the reorganisation of hospital management. Plans for a new hospital are well advanced and construction is due to begin in the middle of 1992.

On the ENVIRONMENTAL HEALTH side, a major review of sanitation and solid waste management was completed in December and will produce a 20 year solid waste management plan. This will be examined by the portfolio and its professional staff and it is hoped to present it, with an implementation plan, in the September

meeting of this House. Priority will be given to revising the Public Health Law and regulations, including establishing minimum sanitation standards for all rented premises, the handling of food, water quality and noise pollution.

We can expect to see in 1992 increased efforts to promote healthy life-styles under the programmes of the PUBLIC HEALTH SECTION. A Health Fair is planned, to be held during World Health Week. Under consideration is a programme "Make Health Your Business" which encourages employers to be partners in a programme to promote health in the workplace.

The YOUTH SERVICES REVIEW was completed in December 1991 and planning has begun to implement its recommendations by way of a working group made up of community leaders experienced in youth work. The objective is to produce a practical and realistic implementation plan which will have the support of the whole community. Proposals to restructure the Social Services Department, emanating from the Youth Services Review as well as a Management Services Review of the Department in 1991, will be considered. Some revision of the Juvenile Law 1990 is likely to be necessary which can be undertaken at the same time as the implementation plan for Services to Youth.

The HOUSING DEVELOPMENT CORPORATION will step up its appeal for subscriptions to the second debenture offerings during 1992 and will continue to advertise its attractiveness in the light of currently declining interest rates.

## **THE PORTFOLIO OF COMMUNICATIONS, WORKS AND AGRICULTURE**

### **COMMUNICATIONS**

The new telecommunications tower is nearing completion. Designed to replace the existing guyed tower at Northward, the new 260 foot structure should withstand 200 mile an hour winds and will support antennae from Radio Cayman as well as other Government antennae including the paging system, the VHF marine and microwave antennae and the "Smartnet" Motorola system. Additional support for our emergency network was provided in 1991 by the United Kingdom Government, which installed units in the National Hurricane Command Centre and Little Cayman.

In late 1991 the Government signed with Cable and Wireless a new 20 year franchise agreement for the operation of our telephone network. A significant feature of this new agreement is greatly increased revenue to Government. A draft of the new Telecommunications Law is expected to be presented at the June meeting of this House. The portfolio is, with interested parties, hoping to establish countrywide a single emergency telephone number, conforming to the new 7 digit numbering standards to be brought in by Cable and Wireless during the year. In November, this House passed the Traffic Law which provides up to date legislation over a very wide range of subjects. A separate Department of Vehicle and Equipment Services has been established to take over licensing responsibility from the Commissioner of Police.

### **AGRICULTURE DEPARTMENT**

Implementation of the five year development plan has begun and there are promising indications of development in the sector. The implementation of the Farmers Market expansion project will continue, as will technical assistance to farmers to upgrade their operations. Animal slaughtering facilities should be set up in Grand Cayman and Cayman Brac.

### **LANDS AND SURVEY DEPARTMENT**

The year 1991 saw a 25% increase in revenue from stamp duty and fees, and happily a reduction of 2% in departmental expenditure. The estimate for 1992 takes into account the economic outlook. Training of departmental staff has continued with three more officers going overseas for training in 1992.

### **THE POSTMASTER GENERAL'S DEPARTMENT**

The Department had another busy year in 1991, with a further increase in the volume of mail. The Seven Mile Beach Sub Post Office was opened in June 1991. Construction of the new Northside Sub Post Office should be completed this year. Plans are in hand to renovate and expand the General Post Office. It is hoped to secure additional land for parking next to the site of the planned new facility in West Bay.

A significant decision was to invite the British Postal Consultancy Service to study a proposal for a centralised mail processing centre which, if it eventuates, would relieve pressure on the General Post Office in George Town, and improve services generally.

### **PLANNING DEPARTMENT**

As might be expected, the number of planning applications processed and approved dropped somewhat to 592 applications with a total value of over \$100 million. Otherwise, the year was certainly not a quiet one for the department. Major projects included coordinating the production of the Cayman Islands Building Code presented to this House in December, and an interim development plan for Little Cayman.

### **DEPARTMENT OF VEHICLE AND EQUIPMENT SERVICES**

This new department took over the operations of the former Central Funding Scheme as from 1



January. Ownership of vehicles and equipment is now vested in the user department instead of in a central department and duties and responsibilities for drivers, operators and other service personnel have been more clearly defined. An additional post of Deputy Director will be created to help in taking over the functions of vehicle inspection, licencing and driving testing from the Royal Cayman Islands Police. The new Traffic Law will underpin these changes.

A two story structure will be built off North Sound Road, for vehicle inspection, licensing and driver testing and the administrative offices of the new department. The Government fleet represents a considerable investment and it is essential that it be used and managed cost effectively.

### **MOSQUITO RESEARCH AND CONTROL UNIT**

Mosquito numbers were higher in 1991 than in previous years, because areas not previously thought to be breeding sites have been found to be so. The Altosid treatment was almost 100% effective where used, but it is very expensive.

A programme of mud sampling for mosquito eggshells was recently started using a method developed in Florida. Before the rains of 1992 the West Bay peninsula will again be treated with Altosid, coverage being determined by the eggshell survey now in progress. In order to reduce expenditure, work has begun to try to produce pelletised residual larvacide at the MRCU. A programme has also been started to improve the physical control system by constructing a network of minor ditches between canals, in order to increase the speed and frequency of flooding and drainage, because the more dynamic water movement is, the less favourable it is for mosquito breeding.

### **PUBLIC WORKS DEPARTMENT**

The Department will balance the objectives of maintenance and development of buildings and roads, economically and efficiently, and with as much work as possible being put out to the private sector. It will continue its efforts, with the portfolio, to reach some consensus on a road improvement plan for Grand Cayman. New parking areas are to be developed to the east of the Government Administration Building, and behind the public library.

### **THE PORT AUTHORITY**

The cargo distribution centre should become operational by mid 1992. An additional three acres of land has been purchased next to it, to be used for storage and the development of an office complex for a customs clearing office, Port Authority billing department, ship agents, brokers and trucking companies. Despite the slowing of the economy, the Authority through prudent management continues to make a profit from its operations, and to reinvest those profits in further development facilities and servicing its loans.

### **THE WATER AUTHORITY**

The year 1991 was a very active year for the Authority with the water supply in Grand Cayman being completed as far as Spotts/Newlands, and in Cayman Brac the institution of the first phase of the supply. The first phase of further development on to Pease Bay has begun. Remedial works to the West Bay sewerage scheme are almost completed, with most of the concrete rehabilitation finished and all the pumping station control panels replaced. With the completion of these remedial works, it is expected that around the end of 1992 the use of the treated effluent for irrigation may be possible, for example in golf course irrigation.

The Cayman Water Company will soon commence its West Bay water supply project, due for completion in some 18 months. The contract was awarded to Arch and Godfrey in partnership with a US civil engineering company.

### **CONCLUSION**

Honourable Members, as I near the end of my fifth speech from the Throne, I am reminded that in the preparation for my first speech in 1987, I was amazed by the diversity, the breadth of enterprise and the confidence displayed in the material submitted by the portfolios. Since then, the Islands have survived Hurricane Gilbert, and are weathering the present economic recession. That confidence and spirit of enterprise is still evident, even if tempered somewhat by the realisation that we are vulnerable to world events, to war and global economic weakness; the underlying strength of the community is most impressive, and long may it so continue. If the Islands did not already have such a fitting motto "He hath founded it upon the seas", I would suggest "Ex humili potens" or "strength through humility". Honourable Members, it is my sincere hope that Cayman's traditional humility and self-discipline will be exercised in full measure during 1992, which will be a historic year for Cayman, with the election followed by decisions on constitutional development.

It may be helpful to recapitulate briefly the position on constitutional change, for there appears still to be some misunderstanding, at least in some quarters. The Secretary of State received the recommendations of this House through me at the end of October. It is my understanding that you may expect a substantive reply fairly soon. The only step which needed to be taken before the election was to create the three additional proposed seats in this Assembly. The necessary amendment to the Constitution was made by Her Majesty in Council on the 11th February. An amendment will be required to the Elections Law.

All other proposals for change will await the mandate of the new Assembly after the November

election this year. Let that be absolutely clear. Let no-one be misled by suggestions that, somehow, changes will be slipped in for some obscure purpose or benefit, meanwhile. Let the community and all candidates for election be fully aware that it is in the hands of the electorate to ask candidates to explain what they stand for in regard to possible changes in the Constitution. Upon the candidates lies the customary responsibility to explain their intentions to the electorate. Honourable Members, I pray that it will be a cleanly fought and peaceful election. The people of Cayman deserve nothing less.

### FINANCIAL SECRETARY'S RETIREMENT

Just over two weeks ago the announcement was made that the Financial Secretary will retire on the 31 March. Honourable Members will appreciate how great was my regret on receiving his letter requesting retirement. Mr. Thomas Jefferson has been a member of the public service since 1971, and since 1982 has been the Financial Secretary. The demands upon him in that very important post do not require detailing to Members. But as well as that, since 1986 when Mr. Foster retired as Chief Secretary, Mr. Jefferson has also carried the additional function of First Official Member, and as such been the Leader of this House and of Government business for over five years. He has carried this onerous responsibility with distinction, and with consistent care and respect for the practices of this House, as you all know. In the Executive Council he has been a model of common sense and a steadfast example of collective responsibility after debate and decision. I wish him and his family every success and happiness in whatever direction their future takes them.

### CHIEF SECRETARY AND NEW FINANCIAL SECRETARY

I welcome warmly the assumption by Mr. Lemuel Hurlston of the reinstated post of Chief Secretary. His five years in Executive Council have prepared him well for this distinction and its duties. Honourable Members know as well as I, his constancy, his stability and his endurance. They are qualities which I have no doubt will be further tested when he takes up his new post.

I should like also to express my confidence in Mr. George McCarthy, the next Financial Secretary. Like Mr. Hurlston, he has been well prepared and trained for his new post and I am sure that he too will shoulder firmly his new responsibilities and discharge them well.

This is a significant change in the structure of Government, and depending upon the recommendations of the new Legislative Assembly after the election, may be followed by further changes. Although structures change, and although the incumbents of offices change, whether by appointment or by election, Cayman relies on the sensible, corporate operation of Government for the benefit of the community.

Honourable Members, this concludes the Throne Speech for 1992. I pray that Almighty God in his mercy and wisdom will continue to bless and guide the people of these Islands and all who serve them.

### DEPARTURE OF HIS EXCELLENCY THE GOVERNOR

*Serjeant-At-Arms (Carrying the Mace)*  
*The Speaker*  
*His Excellency the Governor*  
*Mrs Scott*  
*Chief Justice*  
*ADC*  
*Minister*

### THE SPEAKER'S PROCESSION AND RESUMPTION OF THE SITTING OF THE ASSEMBLY

HOUSE RESUMED AT 11:15 A.M.

**MADAM SPEAKER:** Please be seated.  
 Proceedings are resumed, the Honourable Member First Official Member.

### MOTION FOR DEFERRAL OF DEBATE ON THE THRONE SPEECH

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I move the following motion.

"BE IT RESOLVED THAT this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the Address delivered at this Meeting;

BE IT FURTHER RESOLVED THAT debate on the Address delivered by His Excellency the Governor be deferred until Wednesday the 19th of February, 1992."

**MADAM SPEAKER:** The Motion before the House is as has been read out by the Honourable Leader of Government Business and is open for debate. If there is no debate, I shall then put the question. Those in favour please say Aye, those against No.

AYES.

MADAM SPEAKER:

The Ayes have it.

AGREED. THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE ADDRESS DELIVERED AT THIS MEETING;

AND FURTHER THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL WEDNESDAY, 19TH FEBRUARY, 1992.

### **APOLOGY**

MADAM SPEAKER:

I have also to inform Members of the absence of the Honourable Member for Education, Mr. Benson Ebanks, who had to attend an urgent meeting at the University of the West Indies this morning.

I will ask for the motion for adjournment.

### **ADJOURNMENT**

HON. THOMAS C. JEFFERSON:

Madam Speaker, the business on the Order Paper being disposed of, I move the adjournment of this Honourable House until Wednesday, the 19th of February, 1992.

MADAM SPEAKER:

The question before the Honourable House is that the House will now adjourn until Wednesday morning, the 19th of February, 1992 at 10 o'clock. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AT 11:20 A.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 19TH FEBRUARY, 1992.

**WEDNESDAY,  
19TH FEBRUARY, 1992  
10:06 A.M.**

**MADAM SPEAKER:**  
Government Business.

Prayers by the Honourable First Official Member, Leader of

**PRAYERS**

**HON. THOMAS C. JEFFERSON:**

Let us Pray.

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

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

Questions to Honourable Members, the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 1:** Would the Honourable Member state whether the new system recently introduced for registration of patients at the George Town Hospital is an improvement over the previous one?

**ANSWER:** The new registration system in combination with the new registration desk and the physical changes in the casualty department is a great improvement over the old system and will soon provide a quicker service than the old system.

**SUPPLEMENTARY:**

**MADAM SPEAKER:**

Supplementaries, the Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker.

I wonder if the Member could say whether the records at the Hospital are presently on computer or how are they kept?

**HON. D. EZZARD MILLER:**

If the Member is speaking about the medical records of the patient, no, they are not on computer. What information was normally on index cards is now being placed on computer at the Hospital and that is what is causing some of the delay because for the first time you have to collect the information. Once it is placed on the computer, the second time somebody comes back all the information will be available.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Madam Speaker, I wonder if the Member could say what time-frame it now takes to process a patient who comes in for registration?

**HON. D. EZZARD MILLER:** The whole process of recording the information on the computer and collecting it from the patient can vary greatly, depending on the age of the person for instance and the availability, how readily they have the information available. What we have introduced now is some pre-registration sheets that can be completed by the patient with the required information in it and which can be entered much more speedily. But I would say probably on the average from 10 to 15 minutes.

**MADAM SPEAKER:** If there are no further supplementaries the next question stands in the name of the Member for East End.

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

**NO. 2:** Would the Honourable Member state whether medical aid has been denied to patients attending the George Town Hospital because of lack of the necessary deposit?

**ANSWER:** The Chief Executive Officer of the Health Services Authority reports that he is not aware of anyone being denied medical aid at the George Town Hospital because of lack of the necessary deposit.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say if there has been any reports to his Portfolio with regard to this matter?

**HON. D. EZZARD MILLER:** No.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could give this House the undertaking to have this investigated as it is my understanding that this has happened?

**HON. D. EZZARD MILLER:** Madam Speaker, on receiving the question I investigated. However, if the Member has a specific name and date, I would be quite happy to investigate that specific case.

**MADAM SPEAKER:** The next question, No. 3, the Member for East End.

**THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE**

**NO. 3:** Would the Honourable Member say what steps were taken to upgrade primary schools and teaching facilities in the district of East End and other out districts during 1991?

**ANSWER:** In 1991, effort was made to improve the quality of teaching and learning through staff development in Language, Arts, Mathematics, Science and Music. This was accomplished largely through inset days provided in the school calendar and occasional workshops. At North Side a similar but perhaps more intensive programme was carried on. In East End parent discussions were held with school staff and advisory staff of the Education Department in an effort to raise parents' awareness of partnership with the school. In an effort to provide quality time use for children in East End before and after school a programme was initiated with facilitators drawn from the Education Department, the Teaching Service, Social Services, and the Sports Departments. North Side parents have now agreed to adopt this programme. Each Primary School received additional computers and other resource materials. East End, North Side and Bodden Town Schools had general repairs and maintenance including industrial cleaning, re-painting, (except in the case of Bodden Town), and up-grading of electrical and plumbing facilities. Each school has its own ancillary staff for general maintenance of the physical plant. The staff rooms at East End and North Side were refurbished and these schools, as well as Bodden Town, all purchased furniture which they requested in 1991.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker.

I wonder if the Member could say if he is satisfied that all of the district primary schools have all the necessary teaching facilities which are necessary for the teachers to properly teach?

**HON. BENSON O. EBANKS:** Yes, Madam Speaker, all that is requested and required.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you.  
Would the Honourable Member say how often in the last year he has personally visited and inspected the primary school facilities at East End?

**HON. BENSON O. EBANKS:** Madam Speaker, I think it was twice. Certainly once in the last 12 months, but I think it was twice and I have started my rounds this year.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker.  
I wonder if the Honourable Member could explain to the House just how many computers at present are in the primary schools? Whether there is one for each of the students in the top classes or what is the ratio of computers per child?

**HON. BENSON O. EBANKS:** Madam Speaker, in George Town Primary there are 10 computers, and five printers; at John Cumber Primary, eight computers, three printers; Bodden Town Primary, six computers, three printers; East End Primary, six computers, two printers; North Side Primary, six computers, two printers; Savannah Primary, six computers, two printers; Lighthouse School, four computers, three printers; Spott Bay Primary, five computers, two printers; Creek Primary, six computers, two printers; West End Primary, five computers, two printers.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker.  
I still would request if the Member would please give us the ratio of computers per child in the classes who use these computers. Presumably, that is the top class.

**HON. BENSON O. EBANKS:** Madam Speaker, if the Member needed that information, he should have asked. I do not know exactly how many pupils are in each class.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Madam Speaker, with your permission. I asked the question because in the Member's answer he gave, each Primary School has received additional computers and other resource materials.

**MADAM SPEAKER:** First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, in an answer to a question some time back, the Member for Education gave the teacher to pupil ratio as 20 to 1 or 25 to 1.

**MADAM SPEAKER:** Well I am afraid that this question really does not concern ratio, or it does not touch on that and it would be impossible for the Member not having an advance notice of the question to provide the answer. But I am sure that if Members wish, he could provide the answer in writing at a later date.

The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Just to explain that the Member said he did not know.

**MADAM SPEAKER:** Well I assume it would be concerning this incident now. The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam.  
I would just like to ask how can computers be added to the schools complement of materials if the ratio of computers to pupils was not known?

**HON. BENSON O. EBANKS:** Madam Speaker, I did not say it was not known. I said I did not have that information here.

**MADAM SPEAKER:** If there are no further supplementaries we shall proceed to the next question, No. 4 standing in the name of the First Elected Member for Bodden Town.

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

**NO. 4:** Can the Honourable Member say when will the police constables recruited from the United Kingdom complete their tour of duty?

**ANSWER:** A total of 12 Police Constables were originally recruited from the United Kingdom and commenced their two-year tour of duty on 21st April, 1990. Of these Officers, one was obliged to terminate his contract for domestic reasons and returned to the United Kingdom on 16th September, 1990. Of the remaining 11 Officers, five have applied to renew their contracts for a further two years and this has been accepted by Government. Those renewing will remain on identical terms, i.e. on contract as Constables with no promotion prospects. The other six Officers complete their tour of duty on 20th April, 1992, and will be returning to their respective forces in the United Kingdom on or about that date.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member say if any policy statement has been made to the Commissioner of Police with regard to replacing these Constables with Caymanians at the end of their tour of duty?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the Commissioner of Police is aware of the Government's policy regarding recruitment and indeed has vigorously pursued various recruitment campaigns to try and fill as may vacant positions with Caymanians as possible. A number of Caymanians have responded. There is a current batch of eight in training due to pass out around the 24th of April. They will be joining and filling existing vacancies and it is the remaining additional vacancies that cannot be filled by local recruitment that are being filled by contracted officers.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker, I wonder if the Honourable Member is in a position to say whether there will be any future recruitment to replace the complement of contracted officers whose terms have expired?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker. The Commissioner of Police and a Senior Officer of his department are presently in the United Kingdom conducting interviews with a view to recruiting 11 United Kingdom constables and this will increase the total U.K. constables on contract to 11 plus 5, a total of 16 and they will be filling the vacancies that cannot now be filled by local recruitment.

**MADAM SPEAKER:** The First Elected Member for George Town. The Third Elected Member, I do beg your pardon.

**MR. TRUMAN M. BODDEN:** Thank you for the promotion, Madam Speaker. Would the Honourable Member please say when was the last recruitment campaign dealt with, including advertising in the local newspaper for Caymanian policemen?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I do not have the exact dates with me. The campaign that I referred to commenced around the summer of 1991 and ran for a period of some months. The final selection of the officers who are now in recruit training was made around the middle of December. So the campaign would have run through the months of the summer, leading up to December.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say if any move has been made to spread this around to other parts of the world rather than concentrating only on the United Kingdom?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker. Consideration has been given to this and it has been found in practice that there is merit and advantage in recruiting experienced constables from the United Kingdom to work here because the systems are based on British Law and the practice in the United Kingdom is somewhat similar in policing terms to the practice in the Cayman Islands. Officers from other jurisdictions may not have the same sort of British background and training.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, is the Member saying that police officers who have been recruited from places like Belize, do not have the same background of training?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, what I am saying is that there is more merit in recruiting experienced constables from the United Kingdom than recruiting persons with lesser experience from other territories.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, is the Member saying that recruits from other areas are not as experienced and to put it mildly, as intelligent as those from the U.K.?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the question of intelligence does not arise. The question hinges on relevant experience and what I am saying is that the experienced United Kingdom constables have more relevant experience that is of value to the Cayman Islands than many, not all, but many of the other territories.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, is the Member saying that officers who are recruited in the United Kingdom versus officers from Caribbean Islands are more suitable for the conditions in Grand Cayman?

**HON. J. LEMUEL HURLSTON:** The experience that has been gained with the batch of 12 officers that were recruited in 1990 have proven that the officers adapt very quickly to the local conditions and there are no reasons to believe that that will not be the same for the new recruits. The conditions under which officers work depend very much upon the structure and leadership and management under which the department is organised and the department is comfortable in integrating new officers into the force.

**MADAM SPEAKER:** The next question is No. 5 standing in the name of the First Elected Member for Bodden Town.

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

**NO. 5:** Would the Honourable Member say: (a) what are the titles and grades of all posts held by non-Caymanians in the Lands and Survey Department; and (b) what are the titles, grades, qualifications and experience of Caymanians in this Department?

**Deferment of Question No. 5.**

**HON. J. LEMUEL HURLSTON:** Madam Speaker, in accordance with the provisions of Standing Order 23 (5) I beg the leave of the House to defer answering question No. 5 as the answer has not yet become available.

**MADAM SPEAKER:** The question is that Members concur with the deferment of the answer to this question.

**QUESTION PUT: AGREED: THE QUESTION WAS ACCORDINGLY DEFERRED.**

**MADAM SPEAKER:** The next question is No. 6 standing in the name of the First Elected Member for Bodden Town.

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

**NO. 6:** Would the Honourable Member say what are the titles and grades of all posts held by Non-Caymanians in the Cayman Islands Middle and High Schools?

**ANSWER:** (1) Cayman Islands Middle School

Post Title	Grade	No. of Posts
Deputy Principal	T4	1
Head of English	T3	1
Head of Mathematics	T3	1
Head of Science	T3	1
Head of Art	T2	1
Head of Music	T2	1
Head of Special Needs	T2	1
Head of Home Economics	T2	1



Head of Religious Education	T2	1
Head of House	T2	3
School Counsellor	T2	1
Teacher	T1	19
Assistant Teacher	T AS	2
Clerical Officer	C1-4	2
		----
Total number of non-Caymanians		36
		===

## (2) Cayman Islands High School

Post Title	Grade	No. of Posts
Principal	T6	1
Deputy Principal	T5	1
Senior Master	T4	1
Head of Mathematics	T4	1
Head of English	T4	1
Head of Craft, Design and Technology	T3	1
Head of Home Economics	T3	1
Head of Year	T3	2
Head of Sixth Form	T3	1
Head of Computer Studies	T3	1
Head of Art	T2	1
Head of Music	T2	1
Head of Drama	T2	1
Head of Spanish	T2	1
Head of Special Needs	T2	1
Head of Physical Education	T2	2
Head of Chemistry	T2	1
Head of Geography	T2	1
Head of Careers	T2	1
Head of Support Unit	T2	1
Head of House	T2	4
Head of Business Studies	T2	1
Head of Economics	T2	1
School Counsellor	T2	1
School Librarian	T2	1
Assistant Head of Year	T2	3
Assistant Head of English	T2	1
Assistant Head of Maths	T2	1
Assistant Head of Craft, Design and Technology	T2	1
Teacher	T1	26
Lab Assistant	TH 2-3	1
Clerical Officer	C 1-4	1
		----
Total number of non-Caymanians		64
		===

**SUPPLEMENTARIES:****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 there is any continuous assessment or examination of these posts which are occupied by foreign nationals to see and to facilitate Caymanians moving into these positions as and when they are qualified or what system exists to ensure that Caymanians have access to these posts?

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, it is the responsibility of the Chief Education Officer as Head of the Department to make recommendations for filling vacant positions. Naturally, in keeping with Government's established policy, preference is always given to Caymanians or persons of Caymanian status.

The normal procedure is that there is one large recruitment time each year in preparation for the commencement of the school year in September when recruitment is generally pre-planned. My recollection of a typical programme is that vacancies are identified around January and are normally recommended to the Public Service Commission by no later than February or March, so that decisions

can be pre-planned and pre-programmed for persons who may have to give notice in their present employment situations to make themselves available to commence employment in September. It is an on-going programme that starts about January each year and culminates with the vacancies being filled in September. Of course there are ad hoc vacancies that have to be filled as and when those unexpected vacancies occur during the year and the Chief Education Officer makes recommendations in each and every individual case.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say if under the Cayman Islands Middle School the Teacher's Assistant is that what is considered as a Teacher's Aide in the Primary School?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker, it is not.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. If the Honourable Member has these statistics, would he just tell me what number are Caymanians and how many subject heads, as you have mentioned in here, are Caymanian?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, there are 23 positions at the Middle School filled by Caymanians. These are the Acting Principal, the Deputy Principal, four Head of Year, Head of Spanish, Head of Social Studies, Head of Special Needs, Physical Education, Social Education, Craft Design and Technology, Head of House, the Librarian, seven teachers, one Teacher's Aide and one Lab Assistant.

At the Cayman Islands High School, there are 22 Caymanians in post. One Deputy Principal, a Senior Mistress, Head of History, Head of Year, Head of Social Studies, Head of Physics, Head of History, four Head of House, one School Counsellor, one Head of Religious Education, six teachers, one school Bursar, one Lab Assistant and one Clerical Officer.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say if any thought has been given to increasing the number of School Counsellors or is just having one satisfactory?

**MADAM SPEAKER:** I think this question should more properly be addressed to the Member for Education. If you would be able to reply to the question?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I am told that we have in addition to the School Counsellor, Career Guidance Counsellors as well.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, to the Member. According to his answer there are 100 posts now filled by non-Caymanians. Will he tell us what is being done to reduce this number? For example, I see that there are three clerical officers that are non-Caymanians and a lab assistant. What is being done to replace the people in the education system by Caymanians?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the localisation of all positions is done in accordance with the availability of suitably qualified and experienced Caymanians. There are a number of initiatives currently in progress, some involve scholarships for training, others involve in-service training programmes and others involve attracting of Caymanians generally into the teaching service. There are various initiatives going on simultaneously to try to build up an interest in Caymanians entering the profession and moving up within it.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker, I would like to ask the Honourable Member what is the procedure of advertisements when vacancies are advertised and if the Caymanian teachers at these respective schools have an opportunity of applying for some of these posts?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, most definitely preference is given to persons who are already within the service before consideration is ever given to recruitment outside the service so that a position only becomes advertisable after it has been determined that there is no one within the system capable of being promoted.

**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 post of Clerical Officer is not the lowest level of recruitment in the service and has any effort been made since the

appointment of the non-Caymanians in these posts, to find Caymanian persons to fill them?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I have to speak rather generally because I am not familiar with the details in respect of this particular post. But generally speaking, recruitment for Clerical Officers is done on an on-going basis and whenever qualified Caymanians are recruited to Clerical positions they are then posted around the various positions or vacancies that exist throughout the clerical grades in the service and they are subject to transfer by the Principal Secretary for Personnel who is the Head of what we call the common users post. Clerical Officers are in common users posts and we simply rotate them around and move them to wherever their services are needed. I am not sure whether there is anything unique about the Clerical Officer position in the school setting. I am not aware of any particular uniqueness.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Would the Honourable Member say whether teachers or staff are now being assisted and encouraged to upgrade their qualifications by scholarships granted internally for one or two years so that they can fill some of these senior posts in due course?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker. That was partly what I was referring to when I mentioned that there are various initiatives taken simultaneously to ensure that Caymanians are given an opportunity to improve themselves and that is being done in a number of ways. There are some scholarships being afforded, there are some in-service programmes being promoted and there are other programmes at the design stage to be implemented as part of the Education Development Plan that will be specifically targeting the resources necessary to Caymanianise that service as quickly as possible.

**MADAM SPEAKER:** We shall proceed to the next question which is No. 7 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 HEALTH AND SOCIAL SERVICES**

**NO. 7:** Would the Honourable Member lay on the Table of this Honourable House or otherwise make public at the time of answering this question all the experts' reports on the new hospital proposed by Government including, but without limiting the generality of the foregoing, the engineers' reports on the soil and the financial feasibility studies on the said hospital?

**ANSWER:** I have already made experts' reports, including the engineer's drawing of the content of the bore holes, available to the public at meetings all over the Island, to which Honourable Members were personally invited. I have also made it clear that I will not release the cash-flow analysis of the new hospital until the Public Service Investment Committee has completed and filed its report.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member say when he will be releasing to me the reports that he promised at his meeting at South Sound a few weeks ago when I attended that meeting?

**HON. D. EZZARD MILLER:** In due course.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member say how long "in due course", according to what his definition, is?

**HON. D. EZZARD MILLER:** Madam Speaker, I have no control over the time frame in which the public Sector Investment Committee works and one of the documents that I promised to release to him was the cash flow and other documents that they are considering.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** May I ask if it is the Member's intention to give us these vital documents before he brings the motion for the guarantee for the loan for the new Hospital?

**HON. D. EZZARD MILLER:** Maybe at the time that we bring the guarantee for the loan.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member then release to me the other documents that he promised such as the engineer's reports even if he is withholding the feasibility study until later?

**HON. D. EZZARD MILLER:** I do not think I promised to release any engineer's report to him. All the documents that he talked about were on display at the meeting that he attended. If he did not avail himself to the information there I do not see any point in giving them to him to study at home.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Did the Honourable Member honestly believe that reports of that length were going to be read at that time of the night by Members of the public?

**HON. D. EZZARD MILLER:** Madam Speaker, I do not honestly believe that Member would read any report I sent to him. I sent him the National Health Insurance, two drafts, and I have got no reply.

**MADAM SPEAKER:** Honourable Member that is irrelevant please. The next question is No. 8, 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. 8** Would the Honourable Member state: (a) how many new civil servants and experts posts have been recommended by him and have been created; (b) how many further new posts the Member expects to have created under his new Agricultural Development Plan, including the new post provided under the "Capital" section of the budget estimates; and (c) what is the sum of money paid and expected to be paid to such persons?

**ANSWER:** (a) The organisational structure of the implementation unit of the Agricultural Development Plan currently has a staff complement of five persons, including two long-term consultants. There are identified as follows:

- (1) Agricultural Planner/Executive Director of Unit (long-term consultant), two-year renewable contract;
- (2) "High-Tech" Agronomist (long-term consultant), two-year renewable contract;
- (3) Higher Executive Officer - local Civil Service staff;
- (4) Agri-Business Intelligence and Liaison Officer - local staff, one-year renewable contract;
- (5) Computer/Data Analyst - local Civil Service staff.

Extension Officer: This position was advertised locally in June 1991, but failed to identify a suitable local candidate. The vacancy is currently being advertised in several Caribbean Islands for selection of a candidate by April 1992.

(b) Other than the six professional posts listed above, and the need for a clerk/typist, no new post has been recommended or is expected to be required under the Agricultural Development Plan.

(c) 1. The total sum paid in 1991 was \$126,559.60.

2. The 1992 projected sum is \$229,506.23.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member say why these new posts were put under Capital in the Budget rather than under New Services?

**HON. LINFORD A. PIERSON:** Madam Speaker, the answer to the supplementary. This is a capital project and the aim is to reflect as greatly as possible the full costs of implementation so that proper scrutiny, control and accountability could be applied. Also it would allow for future project evaluation which will attempt to determine whether project expenditure has led to the attainment of the stated objectives under the Agricultural Development Plan. The information pertinent to personal emoluments can be found in line item in the 1992 Budget under the Capital Vote.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member say whether there were any further new posts created by him because my first question (a) was general. It would only be related to agricultural development.

**HON. LINFORD A. PIERSON:** No, Madam Speaker.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say roughly what portion of the money expended on agriculture has gone to the payment of salaries?

**HON. LINFORD A. PIERSON:** Madam Speaker, I think I covered that in the substantive answer.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, I afraid I missed it. I wonder if he could let me know if it was 90 per cent or whatever it was? I did not hear any figure, I am afraid.

**HON. LINFORD A. PIERSON:** That was the answer to the (c) section of the substantive question which reads; "what is the sum of money paid and expected to be paid to such persons?" The answer was "The total sum paid in 1991 was \$126,559.60. The projected sum for 1992 is \$229, 506.23."

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, I know the figure is here, I am trying to get the proportion in regards to other expenditure.

**HON. LINFORD A. PIERSON:** Madam Speaker, since the Member is asking roughly what the ratio is, I would say it is around 20 per cent.

**MADAM SPEAKER:** The next question is No. 9, standing in the name of the Second Elected for Cayman Brac and Little Cayman.

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

**NO. 9:** Would the Honourable Member say who is responsible for the safe-keeping of the vessel "Warm Wind", anchored off Little Cayman, which was declared unseaworthy by Government and seized by the Court?

**ANSWER:** The responsibility for the safekeeping of this vessel "Warm Wind" lies, for the time being, with Government. By arrangement with the District Commissioner, a watch is being kept on the vessel and a surveyor from the Marine Survey Department has been on board on two occasions to check the bilges and its moorings - Captain Abley on 24th April, 1991, and Capt. Rayner on 21st October, 1991.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Could the Member state what is Government's intention for the boat or will it be left anchored where it is indefinitely?

**HON. THOMAS C. JEFFERSON:** Madam Speaker, that matter is under consideration. No final decision has yet been made.

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

**MR. GILBERT A. McLEAN:** Could the Member confirm if where the vessel presently sits, should it break its anchor and hit the shoreline, would damages and costs then be for Government and not the former owners?

**HON. THOMAS C. JEFFERSON:** Madam Speaker, as I understand it the boat is now in the custody of the Government. If damage is done by the boat, then it falls to Government's expense.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker, does Government expect to realise any financial value for this boat in the long term?

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I have my doubts about Government realising anything from this boat.

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

**MR. GILBERT A. McLEAN:** Would the Honourable Member say if Government would consider through whatever legal arrangement is necessary the return of that boat to its owners and set whatever requirements Government might find necessary for bringing it back to what Government calls seaworthiness?

**HON. THOMAS C. JEFFERSON:** Madam Speaker, the boat "Warm Wind", as I understand it, is in such unseaworthy condition that the bringing of that boat back into seaworthy condition would be a sum of money that neither Government nor the owners are prepared to spend. Obviously it must be so, given that the owners decided not to spend the money which for some time was requested by the Government to put it into safe condition to voyage back and forth.

**MADAM SPEAKER:** Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, may I ask the Member if the "Warm Wind", is presently insured and is it that the owners decided not to spend the money or is it that they did not have the money to spend?

**HON. THOMAS C. JEFFERSON:** Madam Speaker, that is a question that I am unable to answer. I do not know the financial status of the family. I know the owners, but I have no access to their financial resources.

**MADAM SPEAKER:** The next question is No. 10, 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. 10:** Would the Honourable Member say if there is a prescribed procedure to be followed by the Police in detaining, arresting and interrogating a juvenile suspect or offender?

**ANSWER:** There are clear and well defined procedures in place which are followed by the Police when dealing with juveniles; whether this relates to their arrest, detention or interview as suspects, or when they are being interviewed as witnesses.

These procedures are set out in the Judges' Rules and Administrative Directions, which are governed by section 19 of the Evidence Law, 1978, and also In Force Standing Order C9. These instructions are set out hereunder:-

Judges' Rules (Administrative Direction No. 4)

Interrogation of Children and Young Persons

As far as practicable, children (whether suspected of crime or not) should only be interviewed in the presence of a parent or guardian or, in their absence, some person who is not a Police Officer and is of the same sex as the child. A child or young person should not be arrested, nor even interviewed, at school if such action can possibly be avoided. Where it is found essential to conduct the interview at school, this should be done only with the consent, and in the presence, of the Head Teacher, or his nominee.

These procedures and policies are implemented each time the necessity arises for juveniles to be dealt with by the Police and applies to both suspects and witnesses alike. Personal copies by Force Standing Orders are issued to all Officers of the rank of Inspector and above, and copies are available at all Police Stations and other formations throughout the Force.

A copy of the Force Standing Order C9 is attached for information.

Force Standing Order C9

*Juveniles - Special Procedures*

*1. Whenever a juvenile comes into police custody, it should be remembered that such juvenile should be afforded all the rights allowed to an adult.*

*2. In addition, juveniles enjoy further rights and considerations which have to be complied with.*

*3. The Judges' Rules lay down the principles of dealing with suspected or arrested person and the Administrative Directions which accompany those rules give guidance on the interrogation of children and young persons.*

*4. One of the main principles is that as far as practicable, children (whether suspected of crime or not) should only be interviewed in the presence of a parent or guardian or, in their absence, some person who is not a police officer and is of the same sex as the child.*

*5. A child or young person should not be arrested, nor even interviewed at school if such action can possibly be avoided.*

*6. Where it is found essential to conduct the interview at school, this should be done only with the consent, and in the presence of, the head teacher or his nominee.*

*7. From time-to-time, the Social Services Department is required to visit homes or premises in order to remove children deemed to be in need of care and protection.*

*8. On these occasions police assistance will be called for and should be immediately forthcoming in order to legally remove the child to a place of safety.*

*9. In circumstances where an offence has been committed against a juvenile and where there could be the possibility of a recurrence of that or another offence if the child were returned to the home, due consideration should be given to removing that child to a place of safety.*

*10. Such circumstances should also be borne in mind when consideration is being given to bailing an alleged adult offender who may return to the child's home.*

*11. By virtue of section 25 of the Police Law, any police officer may cause to be taken photographs, fingerprints, etcetera, of any person in lawful custody for any offence punishable by imprisonment whether such a person has been convicted of such offences or not.*

*12. Where such photographs or fingerprints are to be taken of a juvenile, then this should only be carried out in the presence of a parent or guardian, etcetera.*

*13. This procedure is not specified in law but is a common practice carried out by the Royal Cayman Islands Police.*

*14. Whenever a juvenile is to be brought before a court, for whatever reason, the relevant notification form is to be completed and forwarded to the Social Services Department at a reasonable time BEFORE such date.*

*15. When a juvenile is to be served with a summons requiring his/her attendance at court, service of the summons must be effected in the presence of a parent or guardian, etcetera.*

**MADAM SPEAKER:** Before we proceed further, it is now 11 o'clock and if we wish to finish questions, a motion to suspend Standing Orders has to be put by the Honourable First Official Member.

#### **SUSPENSION OF STANDING ORDER 23(7)**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I believe it is the wish of the House that the other questions as well as supplementary questions be taken this morning and in accordance with Standing Order 83, I move the suspension of Standing Order 23(7).

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

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Honourable Member confirm that the Judges' Rules as referred to here have been in effect from 1978 and could he attest to the fact that these are

specifically followed by police officers in such cases as the question relates to?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I believe that it is fair to say that the Rules have been in place since the 1978 Legislation referred to in the answer. I cannot vouch, however, that in every incident involving a young offender in all of the years since this legislation has been passed they have been followed scrupulously. I think that is what the Member was asking me to vouch. I am unable to do that.

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

**MR. GILBERT A. McLEAN:** Would the Honourable Member say what mechanism is in place whereby police action can be monitored when dealing with juveniles in this type of circumstances?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the monitoring is presently done by a rank structure consisting of supervisory personnel within the Royal Cayman Islands Police Force and interviews are generally conducted in accordance with these guidelines as issued to every station and every formation within the country.

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

**MR. GILBERT A. McLEAN:** Will the Honourable Member say if in recent times it has come to his attention that these rules such as the interrogation of children and young persons may not have been followed in situations where juveniles have been detained and questioned?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, a recent incident alleging a breach of these procedures did come to my attention and it is my hope that a formal complaint in connection with that will be addressed to the Police Department for internal investigation.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Would the Honourable Member say whether it has been considered that Senior Officers would be more involved when dealing with children, perhaps with "A" rank rather than with perhaps constables who are not as familiar with these rules?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, I am sure that depending on the nature of the enquiry or the interview, wherever possible the more senior the officer when dealing with juveniles the better preferred. In minor instances it might not always be possible but it is preferred, naturally.

**MADAM SPEAKER:** The next question is No. 11, 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. 11:** Will the Honourable Member: (a) state whether he has received from the engineers the total cost of the construction of the new hospital in the proposed site being prepared; and (b) table in the Legislative Assembly copies of correspondence to date on the matter?

**ANSWER:** (a) I have received no report from engineers on the total cost of construction of the new Hospital on the proposed site, therefore there is nothing to lay on the Table.

**SUPPLEMENTARIES:**

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

**MR. W. McKEEVA BUSH:** Can he say whether he received letters or any other correspondence on the matter and will he not lay these on the Table, and if not, why?

**HON. D. EZZARD MILLER:** I have received no correspondence from the engineers on the cost of the Hospital and the reason for that is that the engineers do not work out the cost.

**MADAM SPEAKER:** The next question is No. 12, 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 12:** Can the Honourable Member say what benefits did the country receive from the Drug Conference held in the Cayman Islands in September, 1990 - (a) on Demand Reduction; (b) the Importance of National Drug Plans; and (c) the role of the Drug Advisory Councils? Will he state what programmes emanated from the Conference?

**ANSWER:** The benefits which the Cayman Islands received from the 1990 Drug Conference for the British Dependent Territories (BDT) cannot be definitively measured in the three categories as requested by this question.

The Conference provided an opportunity to discuss Demand Reduction, the Importance of National Drug Plans, and the Role of the Drug Advisory Councils with territories of similar size and similar constitutional structure, and to share experiences with other in a like situation.

As a result of the Conference the BDTs were given 200,000 pounds by Her Majesty's Government. The UNDCP (United Nations Drug Control Programme) is presently developing plans to utilise these funds, and this should be finalised next month.

The Conference resulted in a 7 point conference declaration which was accepted by all the territories as a blueprint for further development in the area of drug demand reduction. Even more than this, it served as a base for further dialogue and cooperation and resulted in another Conference sponsored through PAHO in 1991, with plans for a third Conference in 1992. It is hoped that a formal secretariat will be developed this year, and as with the conference in 1991 all health matters, including drugs, will be topics for deliberations.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Can the Honourable Member say whether or not the Conference decided that a Drug Advisory Council would be a good thing for a member country?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, in particular those, unlike the Cayman Islands, who did not already have one. We already had a Drug Advisory Council when this conference was held.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Could the Member not determine that it would be a good thing to continue the Drug Advisory Council?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, that was also determined.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker, then can the Member say why his Drug Advisory Council has been defunct for the last year or more?

**HON. D. EZZARD MILLER:** Madam Speaker, I do not consider that the Drug Advisory Council has been defunct in the last year.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Could you then just tell this Honourable House how often it sat and what reports it has made in the last year?

**HON. D. EZZARD MILLER:** Madam Speaker, the Drug Advisory Council published two consecutive Annual Reports and it was decided to wait a year to publish the third report to give the Civil Service time to implement some of their recommendations because a lot of their recommendations were just recurring.

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

**MR. W. McKEEVA BUSH:** Madam Speaker, the Member has said that they decided to wait a year to make a report. Why did they wait a year to have a meeting?

**HON. D. EZZARD MILLER:** Madam Speaker, the main reason why the Drug Advisory Council held meetings in the past was to consider and make a report as to the drug situation in the Cayman Islands and it is normally done in an annual report to the Member.

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

**MR. W. McKEEVA BUSH:** Madam Speaker, the question is why has not the Council met for the past year? Why have they not had a meeting? Could he say who the members are now? The Chairman and the members and so on, that is the question?

**HON. D. EZZARD MILLER:** I do not have a list of the members right here, Madam Speaker. The Chairman, Mr. Ernest Foster resigned two months ago and we have not appointed another Chairman as yet.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker, that is not the crux of the question. The crux of the question is, why has not the Council had a meeting in a year?

**HON. D. EZZARD MILLER:** Madam Speaker, if the Member refers to the Law which establishes the Drug Council, he will see that "I", as the Member, have no authority to order the Council to meet.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member say whether the Law provides a remedy when the Council ceases to function? Which remedy is in his hands.

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, but the determination of that is whether I consider it has ceased to function. I have not considered that it ceased to function.

**MADAM SPEAKER:** The First Elected Member for Bodden Town and may I say that this will be the last supplementary on this question please.

**MR. ROY BODDEN:** Thank you, Madam Speaker, your disposition is noted. I wonder if the Honourable Member could say if he has given any consideration to appointing a new Chairman or if he has already appointed such a person and could he tell this Honourable House of his intentions in this regard?

**HON. D. EZZARD MILLER:** Yes, we have considered a new Chairman but Executive Council has not yet decided on the matter and I would not like to make it public at this time.

**MADAM SPEAKER:** That concludes Question Time for this morning. Proceedings will be suspended for 15 minutes.

**AT 11:19 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:47 A.M.**

**MADAM SPEAKER:** Please be seated. Government Business, Bills.

## **GOVERNMENT BUSINESS**

### **BILLS:**

#### **FIRST READINGS**

##### **PRISONS (AMENDMENT) BILL, 1992**

**CLERK:** The Prisons (Amendment) Bill, 1992.

**MADAM SPEAKER:** The Bill is deemed to have been read a first time and set down for Second Reading.

##### **THE PENSIONS (AMENDMENT) BILL, 1992**

**CLERK:** The Pensions (Amendment) Bill, 1992.

**MADAM SPEAKER:** The Bill is deemed to have been read a first time and set down for Second Reading.

#### **SECOND READINGS**

##### **THE PRISONS (AMENDMENT) BILL, 1992**

**CLERK:** The Prisons (Amendment) Bill, 1992.

**MADAM SPEAKER:** Honourable the Third Official Member.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move the Second Reading of a bill for a law to amend the Prisons Law, the Memorandum of Objects and reasons of which reads as follows:

"At present a prisoner must serve at least one-half of his term of imprisonment before becoming eligible for release on licence. The object of this Bill is to reduce that period to one-third. The minimum period of one year's imprisonment that a prisoner must serve is unchanged."

Madam Speaker, the principal legislation out of which this amendment arises is the Imprisonment Law, Law 14 of 1975. This was amended by Law 10 of 1981 which inserted a new Clause which is now section 31A and in that section it reads:

"(1)The Governor acting in his discretion and on such conditions as he may think necessary order the release on licence -

- (a) of a convicted prisoner serving a sentence of definite length, and in lieu of any remissions that may be granted under section 29, at any time after he shall have served at least one year's imprisonment or one-half of his sentence, whichever shall be the greater;
- (b) of a convicted prisoner serving a sentence of life imprisonment or being detained during the Governor's pleasure, at any time."

This is the section that is being amended to make eligibility for parole somewhat earlier than previously. I would like to make the point that a person becoming eligible for parole or release on licence somewhat sooner does not necessarily in itself guarantee parole, it simply makes a prisoner eligible for parole. Just a few statistics on the number of applications that have been approved for parole: in the last three years there have been a total of 23 cases involving parole. In 1989, there were six successful applications for parole, in 1990 there were nine with one re-call or one unsuccessful and in 1991, there were eight cases approved of which one was re-called as not being successful. Members will appreciate therefore that with these small numbers we are not dealing with any large number of persons who are successful in obtaining this privilege.

One of the reasons is that, firstly, parole only applies to persons serving long sentences of 18 months or more because with the remission system being one-third for good behaviour, a person sentenced to 18 months actually only serves 12, so that we are starting with a rather long sentence in the first instance. The second thing is that the number of persons eligible for parole will be reduced by the criteria that is established because among other things the person has to be determined as a suitable candidate who would benefit from parole and as a necessary ingredient in that is the confirmation of the availability of employment during the parole period so that the candidates in making application for parole have to submit evidence that they have a job offer or a job prospect to which they can turn immediately upon being paroled. So if one does not have the prospect of employment, one immediately is eliminated from being considered eligible for parole.

One's conduct whilst in prison is a very significant and important consideration in the granting of parole as well as the general gravity and nature of the offence for which the person has been convicted. The normal procedure is that applicants for parole are considered well in advance of their parole eligibility date; meetings of the Parole Commissioners Board are held quarterly and usually at each quarterly meeting applications are considered in respect of those prisoners who become eligible for parole during the next quarter in the future. If a prisoner is considered worthy for parole then certain details have to be agreed and set down in the actual parole licence. These licences are tailored to suit each individual case and the conditions prescribed in the licence have to be voluntarily worked through in interview and agreed by the prisoner with the probation service. Only after the application has been processed and the licence agreed to by the prisoner will parole be granted.

It is quite a lengthy process involving a series of interviews and consultations and persons realise that parole is just an extended form of imprisonment because when one is on parole one is still under very rigid supervision. One is not free to do what one would wish.

I believe that this small amendment will bring about a very modest increase, if any, in the number of cases benefiting from parole. It is not anticipated that this is going to generate any large increase in the volume of applications for the reasons that I have just mentioned, but for those cases that are deserving this amendment will enable parole to be considered somewhat sooner and if merited, to be granted a little sooner than it would have under other circumstances.

Madam Speaker, I commend the bill to this Honourable House accordingly.

**MADAM SPEAKER:** The question before the Honourable House is that the Prisons (Amendment) Bill, 1991 be give a Second Reading. The motion is open for debate. The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. I rise to offer my contribution on this short amendment but one which I feel is very important. It is my understanding that the United Kingdom for

sometime now has had on its books the requirement that a prisoner can be considered for parole after serving a third of his term of imprisonment and by our being a dependent territory of the United Kingdom, I see no reason why those same privileges should not be extended to our prisoners here in the Cayman Islands.

Like the Third Official Member said, it does not mean that because someone is eligible for consideration for parole that he necessarily will be granted parole. I feel also that it provides the prison with a greater degree of flexibility as far as at an earlier date being able to consider prisoners who have been exemplary as far as behaviour is concerned and who have the prospects of employment upon being released. The Prison will be in a position where it can probably recommend that the prisoner be released in a shorter period of time in order to get that particular prisoner back into society and hopefully in a position where he may once again become a productive member of the society.

It will also assist with the problem of over-crowding at the Prison because if you have prisoners who are eligible and who are approved for parole this will free up additional spaces at the Prison and we are all aware of the severely crowded situations that exist at the present time.

I see nothing wrong with this; as I said, it does not mean that everybody (who is eligible for consideration) will be paroled but I feel that it gives the Prison and the Parole Board a little bit more flexibility in dealing with the parole of prisoners. So, Madam Speaker, I support this bill.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. This amendment is one that should be looked at clearly in the context of the limited way in which it operates and the caution that is exercised before a prisoner is released on licence or parole during the period of his sentence. While the discretion is vested solely in the Governor, it is one that is exercised in accordance with and normally after the Parole Commissions Board has gone very thoroughly into a prisoner's position, looked at all aspects of not only the gravity and the sentence that he has received, his past convictions and his propensity to create similar or further offences to be a further problem to society, as I understand it, has to be weighed against the advantages of releasing him at an earlier stage. Naturally his conduct in Prison is quite in the forefront of making that decision.

As we have seen, the parole approvals have been very few with the average in the last years being only eight or nine so that this is a very limited part of the law. It is not an area of the law like the United States where it is given more as a matter of course in some instances and to relieve sometimes in other countries the over-crowding of Prisons or other problems within the Prison system that they can be corrected in other ways.

The reduction still means that there must be served the minimum of a year or one-half of the sentence of the prisoner whichever is the greater and it is not therefore something that does have the ability of increasing very rapidly. The aim of paroling a prisoner, as the Member for West Bay and the Third Official Member have mentioned, is an effort to bring the prisoner back into society and to get him as early as possible leading a full and regular life as a normal person and indeed that rehabilitation has to be the aim of all corrective systems that operate within the democratic system.

Repentance is not only Biblical in its approach and its law but it has been grounded over the centuries in rewarding and taking seriously moves by persons who may have done wrong to society to get them back into the system and to let them function fully and wholly within the community and to thereafter continue as good citizens. Occasionally, and this will exist, there will be those who may get through the Parole Commissioners checks and balances as they sort out who is eligible but who may go astray once they are out.

What is interesting is that in the current English system of sentencing when dealing with any further sentences or, in fact, the original sentence, there are clear guidelines that Judges should not normally take account of the possibility of release on parole or on licence as it is referred to over there and in fact in the law. The reason for this being that it is an area of the Penal system that is dealt with exclusively after the court has completed its sentencing of the person and there are guidelines in relation to this. If an offence is committed during a parole period then in those instances it is not to be taken as a relevant consideration in the Judge's sentencing of the prisoner again. It is something that is kept away from the actual ambit of the arm of the court that does the imposition of the first sentence.

I believe that the Parole Commissioners are experienced enough to ensure that this society is protected by not releasing upon it those prisoners who will go back and either repeat what they did and were sentenced for or similar offences and that this area of the law will follow the stricter guidelines laid down by the English Judicial system rather than perhaps the North American and other systems where it is granted on a more frequent and somewhat lighter basis. It is a serious matter when a court has imposed a sentence which the law prescribes and then that sentence is altered by releasing the person on parole. What I would ask is that the Third Official Member to not only make sure that there is very careful monitoring and coverage of a prisoner released on parole but also that there is the necessary advice, help and support that must go with it to bring him back into society. I believe that if there is one area that he must look very carefully at it is ensuring not only that those released on parole but that all prisoners when they are released have the counselling and the guidance which continues for a period of time after they are released from Prison, and this is whether they are on parole or upon serving their prison sentence to make sure that they are given every opportunity of getting back into a normal way of life in society.

I believe that the Social Services system should put more stress on trying to bring people back into society by a constant follow up and constant assistance. The Member mentioned in this that the applicant for parole must have a job offer and I would like to ask him in his winding up that he explains that and if possible, to perhaps look carefully at the machinery that Government has in place for

assisting persons, not just on parole but when they get out of prison and in getting into jobs. If they leave prison and too much stigma goes with it without the necessary counselling and help from the private sector as well as from the Social Services Department, then they are going to be repeats and they are going to be back in Prison. The aim of the sentence has to be one of punishment but it also has to be one of rehabilitation and assisting the person who has made a mistake to get back to normality and to be a contributing citizen to the community again.

If the Member for Health and Social Services does not have sufficient funds, then I am always happy to support what is necessary to get the programmes, the counsellors, and whatever is necessary to assist prisoners to get back into society. It has got to be one of the more beneficial things that the Social Services Department can do. After a person has paid his dues for his mistake, he have a fundamental right to be helped and to be accepted back into the society. Always in a small community like this there will be that stigma, but I believe with the help of the private sector and Government, with proper monitoring and programmes that this can in this day and age be overcome.

I support this. But I would stress that the Member for Social Services put in place what is necessary to get these paroled persons being released back into productive and happy citizenship within the Cayman Islands again. Thank you.

**MADAM SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Madam Speaker, I rise to speak on the amendment to the Prisons Law which is before this House. I have heard that some Members feel that support of this particular amendment would seriously affect them politically. I do not feel that way for if I understood what the Member presenting this bill said, it is a matter where consideration can be given and where it would be brought in line with certain conditions which now obtain in the United Kingdom after which we say we style our present prison system.

I have had various representations from persons who have been to Northward Prison, some of whom have been repeat offenders and others who have learned from their experiences of having their freedom taken from them while they were incarcerated asking why the Government here would not bring this system in line with what obtains in the United Kingdom. It is also my understanding, some States of the United States where, after a third of their time, they are eligible for parole or to be released on licence as this our Law states.

Madam Speaker, it is not a question of letting prisoners out earlier than they should get out because I am sure that those who fall short of the Law, the prisoners themselves, have their ideas about what is a fair sentence, the Judges have theirs and I believe if we were to take a poll there would be great disagreement as to what is fair and reasonable sentencing.

My understanding of one of the things hoped for when imprisoning a person is that it will deliver to that person a shock or a message that offending against the Law can cause them to lose their freedom. Prisoners are citizens of whatever society they may be in. Caymanians who go to prison are still Caymanians when they come out and this is still the society that they have to live in. So if it is possible that we can build in some flexibility in this Law whereby the prison officials can examine each case on its own merit and determine by the behaviour of the prisoner that he indeed has shown he is repentant of what he has done, that he is prepared to live a different life, then he deserves to be considered for parole at a shorter period of time than is now being given.

If we take into account the fact that the majority of people in Northward Prison, and I think statistics prove this, are drug offenders and are very young people, it hardly makes practical sense to attempt to keep them shut out of society and in prison when they could be given an earlier opportunity of getting out of prison back into normal life in this society.

Madam Speaker, many of the tales told about overcrowding in Northward Prison continue to be that way and there is not sufficient buildings to house prisoners as there is the mechanism to send them there so undoubtedly, this would have some sort of effect as to being positive towards easing that situation of overcrowding.

It hardly seems that this is removing any mechanisms or processes by which a person is considered for parole as has been stated by the mover of this amendment. So I do not think we need to have any grave fear that prisoners in Northward will suddenly come tumbling back out into this society to do all the deeds that they did before, which put them there.

Madam Speaker, the rehabilitation of prisoners - getting our citizens out of prison and back into the work force, back with their families, living lives that are normal and changing their mental attitude from the way it was which caused them to commit the offence - should be one of the greatest objectives. The unfortunate situation of imprisonment ought to make them more mindful when it comes to obeying the Law.

Another situation which is quite unique to ourselves is the fact that locked in that Prison at Northward are murderers, people who are sent there because they have not paid child maintenance, drug offenders, people on remand, mentally disturbed people, juveniles, all locked into one compound. That, I think, should be one of the major things considered by people when thinking of prison and the release of a prisoner a bit earlier than is now possible. If we could do without a Northward Prison and if we could be so fortunate as to turn into a utopia where we did not have offenders, it would be the best for us. Taking into account all of the different persons for all of the various offences who are locked in there, it seems very necessary that we try in some small way to provide a means by which prisoners could be released a bit earlier.

Madam Speaker, I have no problem whatsoever with the amendment which is before this House. I am sure that there will be more of those people who will be grateful to

know that some consideration is given in this respect than those who will criticise that it should be done. Thank you.

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

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. I rise to support a Bill for a Law to Amend the Prison Law. I am glad to see this amendment before this Honourable House. I have had representations from several who have been at Northward and the families who have been outside and have suffered by the incarceration of the head of the household. I am not here to condone their disobedience to the Law in any way but it is my understanding, and I am a firm believer, that an individual is incarcerated in an attempt to rehabilitate that individual and return him or her to society to take his or her rightful place.

I think if the Governor in his discretion feels that after one-third of a sentence the individual will successfully take his place in society, it is very unfair that because we did not choose to amend this Law he would be left there for the other half of his sentence when he has become rehabilitated sufficiently to return to society after serving one-third of his sentence.

Madam Speaker, we are a young nation. Many of these individuals who have found themselves afoul of the Law did it, I believe in some instances, with a get-rich-quick attitude or a happy-go-lucky attitude not really realising the consequences to themselves or certainly not to the society in which we all live.

I am very concerned about the crime statistics as they increase in our community but I am also concerned that we must attempt to rehabilitate as many of our young men and women as is humanly possible. I am confident this amendment will be administered efficiently and those who are eligible will benefit. Therefore, in my judgement it will be no threat to our society but can only benefit. With these words, I support the amendment.

**MADAM SPEAKER:** If there is no further debate, I will ask the Honourable Member if he would like to exercise his right of reply.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I would like to thank all Honourable Members for their contribution to this Second Reading Debate and to assure them that the scheme, as proposed, will continue to be properly supervised with as much help, support, and compassion as can possibly be given to it and that Government will indeed consider ways and means of improving its own ability to set the example in providing appropriate job opportunities where necessary.

I can also mention, Madam Speaker, that Government is, among other things, considering recommendations which may increase the number of probation officers available to supervise persons on parole and if these recommendations are brought forward, I am delighted to hear that there is some support for this on the Backbench.

I thank all Honourable Members for their support and contributions.

**MADAM SPEAKER:** The question before the Honourable House is that the Prisons (Amendment) Bill, 1992 be given a Second Reading. I shall put the question.

**QUESTION PUT: AGREED. THE PRISONS (AMENDMENT) BILL, 1992, GIVEN A SECOND READING.**

**MADAM SPEAKER:** The Pensions (Amendment) Bill, 1992.

#### **THE PENSIONS (AMENDMENT) BILL, 1992**

**CLERK:** The Pensions (Amendment) Bill, 1992

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to move the Second Reading of a Bill entitled the Bill for a Law to Amend the Pensions Law.

This Bill, Madam Speaker, seeks to provide a fixed pension of \$400 per month for the widows of pensioners, and the widows of male pensionable officers who had completed 10 service at the time of their death, in circumstances where the widow does not receive a pension under the present Law because the death occurred before the commencement of the relevant provisions. The relevant provisions are those contained in sections, 17A of the Law. They were added by Law 13 of 1980, which received assent on 10th July, 1980. Those provision provided for a general pension for widows, but were prospective only and did not apply to persons who had already been widowed.

Madam Speaker, I realise of course there are other persons who have worked for Government and for some reason do not receive any pension whatsoever. Those who worked in the very early days of the Government Service and who, perhaps, for lack of documentation did not qualify under Regulation 26 of the Pension Law, really for those persons who had worked on wages, those particular cases, Madam Speaker, will require additional study and research in order to put those before Government. That research will be on-going. It was unfortunate that we did not complete that research in order to be able to put whatever amendment needed to be made to the Regulations as well as the Bill presently before the House.

I feel at least, Madam Speaker, that this amendment to the Pensions Law does go a long way to give equal treatment to spouses whose wives served and supported them

ably while employed in this Civil Service and who are certainly as entitled as any other person to a pension.  
I recommend this to Honourable Members.

**MADAM SPEAKER:** The question before the Honourable House is that the Pensions (Amendment) Bill, 1992 be given a Second Reading. The motion is open for debate. The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. I rise to give my full support to a Bill for a Law to Amend the Pensions Law.

I am very happy today to see that this amendment is before this Honourable House. The amendment of the 10th July, 1980 was prior to my coming to the House and ever since I have been in here I have questioned the fact that there were spouses of pensioners not receiving a pension whom I felt were entitled to it.

I am very happy today to hear the Honourable First Official Member say that the research is not complete and there are others who he admits are eligible and that further investigations are being made. I am very grateful to him for that statement because it is my firm belief that it was our forefathers in the early days who helped to lay the foundation which other generations have built upon that enables this country to be in the position it is today and for us to have the privileges, the standard of living which we enjoy and the prestige that we enjoy in the world.

Therefore, to these people whom because of their service and because of the number of decades that have since passed, they gave service here, their productive years of earning have passed and some have not been fortunate enough with the inflated cost of living and the small salaries they earned while employed to have been able to put aside a sufficient quantity to live a comfortable life, and they do depend on outside help.

I am very glad that the Government has brought this bill forward and I look forward to further amending legislation. Thank you, Madam Speaker.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, I rise to support fully the amendment to the Pensions Law which will provide for the widow of a male pensioner who has completed 10 years of pensionable service prior to 1980, to be able to receive a pension at the rate of \$400 per month.

I think it is very necessary that whatever can be done in this country by the Government to assist persons who are older and not only older but have need for assistance, pensionable or otherwise, in our society at this time which places such heavy demand on us financially. I can think of at least one instance of where a lady, I think she is still alive, whose husband served for many, many years as a police officer. As a young boy I remember him. I was quite shocked to learn that that lady, whose husband died, never got any pension because the Law did not so provide.

This amendment, if I understand it correctly, is attempting to consider those whose husbands died prior to 1980 and I suppose there are those who will benefit and who are indeed in need. Four hundred dollars, although not a large sum of money, can make a significant difference on a household budget or in assisting the widow of such a person. I think this is a very good move on Government's part and I do support it entirely.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Once again I rise to support this Bill. As usual, when Government brings good Bills we always support them and this is one of those Bills. I feel this is one in which the persons who may benefit under this will be fully justified in accepting the pensions that may flow from it.

I believe that a strong society has to be one in which there is protection of those in need, protection of the young, protection of the elderly and even more so, those who have given the better years of their lives to their country are entitled as a right to the pension and the limited fruits, so to speak, that flow from those years of service.

I have always recommended that pensions should be a right in the Civil Service. I think that the provisions where pensions such as these and other pensions generally remain in the absolute discretion of the Governor or anyone else is an archaic section of the Law which should ultimately be removed. In fact, I think it is, important to know that when one puts in many years of service that at the end of that time one gets the just rewards of what has accrued to them. These people, many of them, will now be elderly and I think they deserve this assistance very much. It is very small as the Second Elected Member for Cayman Brac and Little Cayman has mentioned, but it is something and it is a step in the right direction.

It probably will be only a very small amount in the overall budget of the country but will mean a lot to the widows of pensioners who over the years have had to bear the brunt of their spouse being in Government and had to support him or her during that period. I realise, at least it appears to be limited to male pensioners' widows and I would hope that the reverse, if the situation does arise, would also be covered. While it may have been rare in those days, there may have been someone who perhaps may fit into this category.

So I support it. As I said, I think that they are entitled to it as a

right and I commend the First Official Member, the Honourable Financial Secretary, in bringing this amendment. It is good, it is humanitarian and it has to be one that will help to build a better society.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Madam Speaker, I rise to also offer my support of this amendment to the Pension Law which attempts to correct a very unfortunate situation which has existed for some time with respect to certain widows of former civil servants.

Madam Speaker, I can think of a few officers who made very valuable contributions to this country and to our Government, whose spouses were not eligible for many years to any type of pension from Government which was very unfortunate. I am glad to see that this situation is being corrected with this amendment. I also feel, that the \$400 per month pension will be deeply appreciated by these widows as many of them are reaching their golden years and many of them at the present time are unable to work for themselves.

I also understand and am aware of many officers who served in Government in the earlier days that is, for 10 years or more, who at the time that they left the Service did not receive a pension or other monetary rewards. I understand that many of them will be caught up and considered under the Regulations which go along with this particular Law.

So, Madam Speaker, I feel that this is a very positive gesture which will be deeply appreciated and I compliment the mover, the First Official Member, for bringing this very important piece of legislation. Thank you, Madam Speaker.

**MADAM SPEAKER:** If there is no further debate, I would ask the Honourable Mover if he would wish to reply?

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I would like to thank Members for their support, those who spoke and those who approved it by their non-verbal communication.

It may be of interest to indicate to Honourable Members where the \$400 in this legislation came from. It resulted from the report of Mr. Pudney who did the Salary Commissioner's Report in 1990. He recommended at that time in the Report that all Civil Service pensioners should not get less than \$400 a month as a pension. This \$400 is taken from that recommendation and inserted in this Draft Bill before the House.

As I mentioned earlier, there are other persons who we believe are eligible but for lack of firm and factual information we were unable to deal with it at this particular time. That exercise will be on-going and hopefully not too many months will go by before we can at least move on and get a little bit closer to finalising it.

The Pension Law, Madam Speaker, I believe dates back as far as 1950 and it is in the interest of the Government to consider a total revision of this Law to bring it more in line with modern day practices.

I again thank Members for their support.

**MADAM SPEAKER:** The question now before the Honourable House is that the Pensions (Amendment) Bill, 1992 be given a Second Reading. I shall put the question.

**QUESTION PUT: AGREED. THE PENSIONS (AMENDMENT) BILL, 1992, GIVEN A SECOND READING.**

**MADAM SPEAKER:** Proceedings will be suspended until 2:15 p.m.

**AT 12:51 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:22 P.M.**

**MADAM SPEAKER:** Please be seated. Proceedings are resumed.

The House will now go into Committee to consider two Bills, The Prisons (Amendment) Bill, 1992 and the Pensions (Amendment) Bill, 1992.

**HOUSE IN COMMITTEE AT 2:23 P.M.**

## **COMMITTEE ON BILLS**

### **THE PRISONS (AMENDMENT) BILL, 1992**

**MADAM CHAIRMAN:** (Amendment) Bill, 1992. The House is in Committee. The first Bill is the Prisons

Member if there are any errors or corrections that these would be made in due course. The Clerk will now read the clauses of the Bill.

**CLERK:** CLAUSE 1. Short Title.



CLAUSE 2. Section 31A amended.

**MADAM CHAIRMAN:** The question is that clauses 1 and 2 do form part of the Bill. The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Madam Chairman, I think for the benefit of the listening public as well as maybe some Members of this Honourable House I wonder if the Second Official Member or the Third Official Member could basically enlighten us as to what prisoners are not eligible for consideration as far as parole is concerned.

**HON. RICHARD W. GROUND:** Before any prisoner can be considered for parole he has to serve one year of his sentence as the Law stands at the moment before this amendment. He also has to serve one-half of whatever he has been sentenced to. So if he has been sentenced to six years he has to have served three years before he is eligible for parole. This amendment will change that half to one-third so that on a six year term for example he would now have to serve two years before being eligible for parole. But he must, in any case, for either of the sentences have served one year and that is in the rest of the section, which is not set out in the amendment.

**MR. JOHN D. JEFFERSON, JR.:** Are there any convictions which are not subject to consideration of parole, any at all? That is my question.

**HON. RICHARD W. GROUND:** I apologise to the Member for taking time to reply but the provisions are not entirely straightforward and I wanted to check before replying. Any sentence now under our Law is amenable to release on licence. Specific different provisions are made in respect of life imprisonment because you obviously cannot do an arithmetical calculation in respect of that. A year still has to be served there and then it is in the Governor's discretion.

**MADAM CHAIRMAN:** If there is no further debate, I will put the question that clauses 1 and 2 do stand part of the Bill.

**QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED**

**CLERK:** A Bill for a Law to Amend the Prisons Law.

**MADAM CHAIRMAN:** The question is that the Title do stand part of the Bill. I shall put the question.

**QUESTION PUT: AGREED. THE TITLE PASSED.**

**THE PENSIONS (AMENDMENT) BILL, 1992**

**MADAM CHAIRMAN:** The next Bill is the Pensions (Amendment) Bill, 1992.

**CLERK:** CLAUSE 1. Short Title.  
CLAUSE 2. Amendment to section 17A of the Pensions Law.

**MADAM CHAIRMAN:** The question is that clauses 1 and 2 do form part of the Bill.

**MR. TRUMAN M. BODDEN:** I was just wondering whether it may not be possible, or whether you feel it would not be practical and I would assume the Interpretation Law does not apply to this that the masculine includes the feminine and vice versa, whether we should not perhaps....

**HON. THOMAS C. JEFFERSON:** You mean the masculine embraces the feminine....

**MR. TRUMAN M. BODDEN:** (Laughter) Yes, something like that! Whether we should not add in this widowers as well? If there are none out there then it would not matter but...

**HON. RICHARD W. GROUND:** I am not going to answer this because it involves a bigger point of Law on the Pensions Law. At the moment without this amendment widows of male pensioners get pensions under the specific provisions of section 17A of the Law which was added in 1980. That provision only applies to widows of male pensioners, it does not apply to widowers of female pensioners, so to make that change here would involve a much bigger policy change in the way the Pensions Law is structured. Whether that change ought to or not be made may be a matter for debate but it would be, I think, inappropriate to try and do it in what is a small amending Law addressed to a very specific point.

**MR. TRUMAN M. BODDEN:** I thank the Attorney General for that. Could I merely ask then, if the First Official Member would perhaps have a look and ask Government to consider whether this may not be appropriate because in this day and age of equality of males and females, I believe similar provision perhaps

should apply.

**HON. THOMAS C. JEFFERSON:** Yes, Madam Chairman. I am sure in these days of equality all round, that some consideration should be given to it but it is as the Second Official Member stated. It is a much wider policy decision than this amendment.

**MADAM CHAIRMAN:** If there is no further debate I will put the question that clauses 1 and 2 do stand part of the Bill.

**QUESTION PUT: AGREED. CLAUSES 1 AND 2 PASSED.**

**CLERK:** A Bill for a Law to Amend the Pensions Law.

**MADAM CHAIRMAN:** The question is that the Title do stand part of the Bill. I shall put the question.

**QUESTION PUT: AGREED. THE TITLE PASSED.**

**MADAM CHAIRMAN:** That concludes proceedings in Committee on the Prisons (Amendment) Bill, 1992 and the Pensions (Amendment) Bill, 1992. The House will resume.

**HOUSE RESUMED AT 2:32 P.M.**

**MADAM SPEAKER:** Please be seated. Proceedings are resumed. Reports.

### **REPORTS THEREON**

#### **THE PRISONS (AMENDMENT) BILL, 1992**

**CLERK:** The Prisons (Amendment) Bill, 1992.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I have to report that a Bill entitled the Prisons (Amendment) Bill, 1992 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, 1992**

**CLERK:** The Pensions (Amendment) Bill, 1992.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I have to report that a Bill shortly entitled the Pensions (Amendment) Bill, 1992 was considered by a Committee of the Whole House and passed without amendment.

**MADAM SPEAKER:** The Bill is accordingly set down for Third Reading.

### **MOTIONS**

#### **GOVERNMENT MOTION NO. 1/92**

#### **CINEMATOGRAPHIC AUTHORITY**

**MADAM SPEAKER:** Motions. Government Motion No. 1/92, Cinematographic Authority. The Honourable the Third Official Member.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move Government Motion No. 1/92 entitled Cinematographic Authority.

"WHEREAS under section 2 of the Cinematographic Law, Cap 18, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulation of the above-cited Law and Rules made thereunder.

BE IT RESOLVED THAT the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year effective as from the 1st January, 1992:

Hon. W. Norman Bodden, MLA, OBE, JP

Hon. Linford A. Pierson, MLA, JP  
Mr. W. McKeeva Bush, MLA."

**MADAM SPEAKER:**  
open for debate.

The motion as read out by the Honourable Member and is now

**HON. J. LEMUUEL HURLSTON:**

Madam Speaker, I do not wish to speak at any length on this motion. It is an annual motion required by Law. I believe Honourable Members are familiar with the scope and purposes of the Cinematographic Authority. It is not a terribly active Authority with infrequent meetings and I simply commend the motion to the House.

**MADAM SPEAKER:**

If there is no debate I shall put the question. The question is that the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year effective 1st January, 1992: Hon. W. Norman Bodden, Hon. Linford A. Pierson, Mr. W. McKeeva Bush.

I shall put the question.

**QUESTION PUT: AGREED.**

**GOVERNMENT MOTION NO. 1/92 PASSED**

**COMMENCEMENT OF DEBATE ON THE THRONE SPEECH  
DELIVERED BY HIS EXCELLENCY THE GOVERNOR  
ON FRIDAY, 14TH FEBRUARY, 1992**

**MADAM SPEAKER:**  
was passed:

Debate on the Throne Speech. On Friday the following motion

"BE IT RESOLVED THAT this Honourable Legislative Assembly records its grateful thanks to the His Excellency the Governor for the Address delivered at this Meeting;

BE IT FURTHER RESOLVED THAT debate on the Address delivered by His Excellency the Governor be deferred until Wednesday, 19th February, 1992."

At this time the motion is open for the Debate on the Throne Speech. The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. In November 1988, a new Elected Government was sworn into office in the Cayman Islands. According to the *Caymanian Compass* reporting shortly after that swearing in, it was up to that time the youngest and most eminently qualified Elected Government ever to take office in our country. Complemented as it was, by the experience and qualifications of the three Official Members the Elected Executive Council held out great promise of continued economic development and material prosperity in these Islands.

The Government had a tradition of wise, prudent and stable economic management laid down by previous political directorates. However, it also faced the emerging intractable problems of a Caymanian society which was growing and trying to cope with an influx of foreign nationals seeking employment on these shores, a spiraling crime rate predicated upon the thirst for, and lure of quick money and that fatal attraction of dangerous and destructive drugs, a growing youthful population who expected to live by increasingly higher standards and who, influenced as much by North American television, wanted no less than the best.

I will argue that it was an abandonment of the principles of sound economic management and prudent capital expenditure which had been laid down by past political directorates that led this Government into the problems that we in the Cayman Islands are now facing.

It is disappointing, to say the least, that a Government which was so eminent and which was heralded in with such promise has now come to the point of questionable, if not worse, economic management and in an effort to be fair, one would have to ruefully admit that while all of the problems are not of the Government's making certainly, it is the expectation of the nation that the Government deals sensibly and competently with the problems. So that while I am saying that the Government cannot be held responsible for all the problems with which they were faced, they are responsible for the competent management or solution of these problems.

From my own perspective I would have to say that the record leaves much to be desired for if the best we can do is to console ourselves with the fact that events are beyond our control because there is a recession in the United States, or because a year ago the Gulf War took place, and tourism and travel were down, then I think that we are in a terrible state.

I say this giving cognizance to many things including the changing geopolitical situation in the world. Most importantly, the demise of Communism.

Many years ago, we in this country through our political ancestors set out to carve a niche for ourselves in the world which was built on a tax haven and the development of international financial centre with tourism running a close second. There were then and there are now some problems with that because these industries are first of all highly competitive and the in the second instance they

are based on what I call very fickle foundations.

One would have expected then any Government coming to power at a time when economic and material prosperity in our country was probably at its peak to have continued to have striven to have enabled the populace to continue to enjoy the fruits of its labour. That however, was not the case and in his speech from the Throne, His Excellency the Governor on page 1 of his remarks stated: "...the best we can do is to maintain and improve our service industries in the financial and tourist sectors; make sure that our markets know about the quality of our products and our services; and because we are a maturing economy, to continue the policy of careful allocation and control of Government resources."

I am saying that we have failed in the latter. We have not been careful in our allocation and control of Government resources and I am also saying in this day and age it is not good enough to maintain but we must improve our service industries and the Government does not have a good record in either of those.

I do not know how we reached this point except to say that it was not suddenly reached and except to say that it is not good enough just to point fingers and to label people. The challenge in which we in this country are faced today is a challenge of elevating our economy up to the level of expectations which are realistic and which are achievable. In order to do this the Government first has to accept the fact that they did not do all they could have done.

But it is not the problem of Government alone; it is the problem for all in the country including those of us poised on this side of the House from which I speak and which leads me to say that if we are going to survive we have to shed, even momentarily, selfishness and one-up-man-ship, and we have to do as the old Caymanian adage so familiar to those of us because of our Maritime backgrounds - "Each will have to put his shoulders to the wheel", because if we do not so do, I am afraid that the situation will get much worse before it gets better.

I say that to suggest that it is not time now to pull rank, particularly in the defense of projects which may be deemed by one or two persons to be important. It is time now to make careful assessment and if we have to retreat or if we have to back off, a policy or a project, there is nothing wrong with that. Sometimes it is better to retreat in the face of defeat and disaster than to plunge headlong and to risk ruin. There is a message for the Member responsible for Health. There is a message for other Members because some projects proposed at this time are highly debatable and questionable, not because they are not needed or they may not be needed or cannot be appreciated, and not least because we on this side of the House oppose them because that will probably be the reasons that will be proffered, but because the country is not in a position to absorb the debts and the financial strain.

We often jealously guard and defend our ideas, our goals and our objectives. There is nothing wrong with that when we realise that we, as the architects, are sometimes not those who will bear the brunt and the responsibility of repayment and maintenance. We on this side of the House have had a history of being accurate seers, accurate prophets of the disaster which bad policies of the Government would bring to this country. We were repeatedly put down, shouted at and taunted and yet, we continue; the last mission being the warnings that we are giving about the new Hospital and its related moves. But, like the Jeremiahs of old, we are prepared to be ignored, to be jeered at, and to be taunted and called names. But I am afraid when the history is written and when time finally reveals the realities then the truth will come out and our warnings will be recorded for those who care to remember.

We have been growing very well. Indeed, the Government Service has been growing too rapidly and we are faced with many problems which we have been rather slow at coming to grips with not the least of which is the concern that many Caymanians have of being overrun by foreign nationals. This is the case in the Civil Service as much as it is in the private sector and from the point of view of a representative sitting on the Backbench of this Parliament, I have to say that I am more concerned with this situation when it happens in the public sector, that is, the Government, than I would be with it happening in the private sector, although, I hasten to remark that I have my concerns about it happening in that area as well and indeed, I will have some more to say on that as I progress in this debate.

The Public Service Commission in this country according to His Excellency's speech from the Throne is considering the implications and practicability of a positive action programme to channel Caymanians into professional careers much needed in the Civil Service. But, Madam Speaker, according to information received this morning in answer to a question I posed, we may need to begin from the lowest end of the totem pole because, indeed, in some departments we have foreign nationals occupying posts as humble as those of a Clerical Officer and Lab Assistant.

So, let us not get carried away and before we attempt to get Caymanians into the substantive and substantial positions we ensure that they are also in the lower positions. Indeed, we can only be successful if this is done so that our people have the scope to move up the ladder as we colloquially refer to it. The role of the Public Service in this country is a challenging and important one and upon its shoulders rests the awesome responsibility of ensuring not only that Caymanians are hired, but that they are hired into positions where they can rise to their true levels and true self-worth.

Coming at a time when we hear increasing disgruntlement and concerns expressed about foreign nationals usurping positions that Caymanians rightly and realistically expect, this is indeed a tall order. I hope and trust that the Public Service Commission will continue to perform as amiably and as effectively as it has been performing. I would wish for them continued vigilance and they have my expressed encouragement to continue, not only to employ and to recruit Caymanians for work in the Public Sector but to encourage and motivate them and to provide incentives so that those Caymanians, once recruited into the Service, may find for themselves, those who are deserving, the opportunities to broaden and expand their careers.

I would think that the recent announcement of a new Financial

Secretary in the person of Mr. George McCarthy should serve as encouragement and as incentives to all those people in our country who are interested in working hard, diligently and honestly to rise to the topmost levels of our Government bureaucracy. I would at this point like to publicly congratulate Mr. McCarthy, whom I can say I am fairly well acquainted with and to wish for him all the best in the challenge that he has been handed, for it is in this department with its responsibility for the allocation, advice and management of Government finances that the onus lies.

I would at this time, also, because I find it appropriate to say that I wish our retiring Financial Secretary the best in his future undertakings and I hope that he may, whatever his undertaking may be, have God speed and continued good blessings and fortune. He has served the country well during his tenure and has left much sage advice with us.

Turning now to the work of the Agriculture and Industrial Development Board (AIDB). I understand from its inception that this Board has been doing very well in terms of providing opportunities for Caymanian entrepreneurs. It is unfortunate that the work of this Board has not been expanded and developed so as to help people perhaps with more modest assets. If I were requested to offer a critique, I would say that if there is a weakness in this Board it is at this point.

There is a need for opportunities, there is a need for access to funds by smaller entrepreneurs. This is sadly lacking. Sometime ago I mentioned in this Honourable House the existence of an organisation called Axion International which does exactly this. It affords small entrepreneurs access to loans with a ceiling of \$5,000.

I have followed the development of this organisation in some countries and have learned that it is especially popular among entrepreneurs who wish to get into ventures such as providing uniforms for school children, cottage industries related to the tourist and souvenir businesses, etcetera.

I was also enlightened a few months ago to learn that there exists in Jamaica a chapter of the United Way which is an organisation very similar to Axion International and which is popular in the United States and Canada which enables small entrepreneurs and people interested in developing cottage industries access to funds. Indeed, I was reading a case study of one woman who from leaving a vocational school borrowed money to buy one sewing machine. She now has five sewing machines and four people in her employ producing school uniforms which she supplies to some of the secondary schools in her area of Western Kingston.

I say this to say, that the Government cannot provide all things to all people and I do not think that we can realistically give the impression that we can meet all the needs and expectations from Government coffers. What we can do however, is to draw and encourage these kinds of organisation to our shores and to investigate so that we can provide opportunities for our citizens. I believe that the best Government is that Government which relies less on hand outs and more on creating climate and opportunities for its citizens.

We have done well with the Agricultural and Development Board and I would like to see the next Government, and I hope that Government can be a progressive Government, undertake to bring some of these kinds of organisations to our shores so that small and medium-sized Caymanian entrepreneurs can find an avenue and access to funds which they can afford to borrow because of what is happening here. We have a proliferation of restaurants and businesses related to the tourist industry all owned by foreign nationals and I am saying that is not good enough and one reason why it is not good enough is that often the capital outlay for these projects are so large, so much that they become for the most part exclusive to many Caymanians who have a desire to enter business for themselves.

Because of this the problem that we have or the fear that many of my people express about being overrun by foreign nationals is aggravated and made more retractable. Just in the recent past along this stretch of Harbour Drive North Church Street, a proliferation of new restaurants sprung up and I am reminded of an incident, an experience of a few years when I invited a former university class-mate to visit the Cayman Islands. He came down and spent one week and was very impressed.

Every time we visited a new establishment, he was impressed with the cleanliness and the standards. Finally one day he said to me, "Roy, there is something I want to ask you. Why is it you have not taken me to more hotels and more of these restaurants along the Seven Mile Beach owned by Caymanian people?". It was one of the few times in my life that I can remember being tongue tied. When he repeated the question I said, "I am sorry but there are none."

He said, "What do you mean there are none, but this is Cayman, so are you telling me that Caymanians do not own any of these places down here?".

It was a rueful admission. I am much afraid that the situation has not improved and it seems like it is destined not to improve and what is even more frightening is the fact that according to the New Caymanian, not only do Caymanian people not own the restaurants, but it seems some of us Caymanian who are black, might not be welcome in some of those various establishments in our country.

Having no visible industries we rely on our Customs Department and other means of direct revenue collection. The weakness here is that in an era of increasing expenditures and expensive capital projects by Government the task of the Customs Department becomes compounded and more important by the year. The danger in this is that the Customs Officers have to be more vigilant, more expertly trained and more exacting. While at this point they are far from being a department of shylocks, it is not one which will breed good relations between these Officers and the people whom they serve because in situations where the Government expects the Customs Department to be one of the major providers of revenue, these Officers will have to be more rigid, more scrutinous and more inflexible.

I worry because these young efficient Officers are also Caymanians and members of our community and in carrying out their jobs to the levels of which they will be

required will mean that in some circles they might not be well spoken of. They are doing well and I have every confidence that they will continue to do well but the Government and especially this Elected Government has not managed, developed or diversified our economy to such an extent that these people can have less pressure.

While they are to be commended for accomplishing their goals and targets and in many years exceeding them under adverse conditions I would like to categorically and specifically say that we cannot saddle them with the burden of exacting every year the majority of revenues that this Government has to expend. That is especially crucial for any Government which fritters away the financial resources with such nonchalance. Not only is our Customs Department one of the first lines of Government revenue, it is also one of the first lines of our defense against illegal drugs and against trading in contraband items. If the Department is to be effective they cannot be pre-occupied with one thing - raising money, exacting customs duties, they must be free to set their own priorities which will be realistic and which the department can comfortably meet. The war on drugs of which the Customs Department is an important front, can only be won when those people involved in that war are so organised that they can work at a pace which is comfortable to them.

I do not know if it is possible under the existing situations for them to be more effective. We on this side have a history of requesting that they get proper equipment beginning with a proper boat, which to the best of my knowledge is still lacking. There are facilities and opportunities for the Officers to receive training and often I understand they work in collaboration and in conjunction with the Police Department and sometimes they cooperate with authorities outside of our jurisdiction. In an era when the business of drugs and drug merchants is becoming more sophisticated and more deadly it is incumbent upon our Government to ensure that our Customs Officers have the best equipment, the best training and if necessary, the best fire power. It is a situation which we cannot afford to play down.

I would like to say too that it is absolutely crucial that we ensure that the Officers who man these important departments, Customs and Immigration, are completely satisfied with their terms of employment, with their salaries and with their opportunities for upward mobility because if we have disgruntlement at these levels, it only facilitates and only makes the temptation to turn an eye, to not be diligent, to be tardy in ones duty, it will only make these temptations easier. We cannot afford to have a Customs Department or an Immigration Department like they have in some other countries where when you hand in a Passport you hand with it US\$50 and any amount of time you request, is granted.

We have to ensure that our Officers are treated as best as we can afford, that they have opportunities for promotion, that they earn attractive salaries and that they have access to leave that they are due. We have been doing well, but let us not relax because the challenge is a stiff one, indeed.

I still say and I still hold out the faint hope that one of these days we can get proper drug interdiction equipment for our Customs and Police Force. I have come to believe and certainly if much of what I read is factual, that there is in many circles and in many countries a nonchalance towards the interdiction and apprehension of drug dealers. Indeed even in the United States there is this sentiment.

I read a book authored by Michael Levine, a prominent 25 year veteran of the Drug Enforcement Administration, entitled, "Deep Cover". He stated that he was fed up with the bureaucracy, not heeding calls for providing Officers with better equipment, greater opportunities for training and with better and more attractive salaries. Twenty-five years on the beat in New York, South and Central America and he foot-noted his departure with that charge. Sometimes I believe that we are just as guilty, and certainly many people in Caymanian society subscribe to the notion of a conspiracy of a huge cover-up because sometimes, often times as a matter of fact, many people who are known, are reputed by the general public, go unapprehended and unhindered by our authorities.

There has been steady and vehement objection when the Backbenchers suggest that we should procure more suitable marine crafts. Maybe the story is more complicated than we know or maybe because the suggestions come from this side of the House it is swatted down because the Government thinks that Backbench people should get no credit. We have a vested interest in seeing that this country is as drug free as it can be just as the Government has a vested interest to the citizens of this country to see that we are rid of this scourge. The records, I am afraid, says something different.

I turn now to Internal and External Affairs and I would like to begin on a positive note by offering my congratulations to the present Member, Mr. Lemuel Hurlston, who holds responsibility for those departments in this Parliament, on his recently announced promotion and would as I did with others, wish for him God speed and all success.

The Royal Cayman Islands Police Report for 1991, in the section dealing with crime and criminal investigation does not hold out much hope for any improvement in the situation because the Report states that the most prevalent and persistent crime problems remain the illicit drugs trade, burglaries and commercial crime.

Why, I ask, in a small country where people are by nature curious and informed, why can we not be more effective in the business of apprehending drug dealers, drug pushers and those who live off the proceeds of the drug trade? Is it because there is an obstinacy on the part of the Government? Is it because the Government is nonchalant? Is it because they do not care or is it just that some people are caught, some people are brought to justice and the big and the mighty and the powerful roam free?

I do not believe that any of us should necessarily endanger ourselves by becoming informers or snitches as they call it in the criminal subculture but I believe that when those of us who see fit to give information, that information should be acted upon and that we should not then become subjects and intimidated by the very people that we complain against. I fail to understand why when citizens lodge complaints about people alleged to be dealing in drugs that these people can then confront these citizens and threaten these citizens when the information should have been treated in confidence by the authorities.

Madam Speaker, it smacks of collusion. That is why we are not more successful because people come to me and say, "Look we know so and so, but we are not saying because our lives will be in danger.". We need to clean house, Madam Speaker, and more than one recent incident leads me to that conclusion.

I am not here necessarily or only to point fingers but I say that much remains to be done for maybe instead of pretending to be lawyers and passing themselves off to be lawyers the police would be better at acting their roles as policemen.

We on this side of the House, demand that honest citizens live in our country free from these kinds of plagues and threats and while we expect that the people who deal in illicit drugs be apprehended, we do not condone anybody or authority taking any short-cuts to entrap, entice or inveigle. It has to be done according to the principles and procedures and in saying this I say that very often citizens can be helpful because these people sometimes have information which the police do not have access to. They are in positions to just by sheer happenstance see activities of certain people. What I cannot understand is why when this information is given it is not acted upon? Or, worse yet, it is divulged to the very people upon whom the complaints were made.

While it is true that the number of prosecutions for drug offences have increased greatly over the previous years, this does not give us reason to be happy. We should be happy when the demand for drugs and the prevalence of drugs is reduced because all the statistics about the increased prosecution tell us, while there is increased apprehension, there is most probably likely to be increased dealing.

The Report in the second paragraph says: "The problem is likely to be with us for some years and can only be eradicated by a meaningful and persistent education programme and parental control and example.". But if that is true, then may I ask, why has not the Drug Advisory Council met more frequently? Why are they not active in collaboration with all the other agencies and organisations fighting this problem? What has the Government been doing to promote healthy community activities for the youngsters in Bodden Town, West Bay, East End, North Side and Cayman Brac? Is this a venture that we have to do ourselves? Is this a venture that the communities have to bear the brunt of the responsibility, the soul responsibility for? Or is this a venture that all of us need to roll our sleeves up and become involved in? You know what I am charging, Madam Speaker? This gets lip service because it does not involve grandiose projects, multi-million dollar buildings, expensive consultants, cocktail parties and sumptuous dinners.

This gets put on the back burner because it often involves and affects the humble, modest people of this country. It is their sons and their daughters who fall victim to this. It is their sons and daughters who are locked up in Northward. It is those who come to the courts and plead and beg for leniency and who have weekly to go to the bank to draw out their savings to put up as bonds to save their children from going to prison. I do not care what we say about temporarily exporting to Minnesota or wherever else. That is not the answer, the answer lies in a hands-down approach of total community involvement. I am disappointed in the Member because he started off so well, I held such high hopes but his ambitions and plans in this regard got buried because he jumped on the horse saying, 'new Hospital and Health Authority', and that horse is galloping away with him. I am telling him if he does not get off, he is going to get thrown to the ground.

Madam Speaker, we are losing a generation of Caymanian youngsters who are supposed to fill the shoes of those of us who are maturing and have matured. If we do not nip this problem in the bud, where will the next generation of Legislators come from? Where will those youngsters who are to come here from the various constituencies be? Will they be in Northward or will they be slouched in some corner or along some street with their brains fried out and their minds and bodies dirty and uncleansed?

This is what we should have been seeking to spend millions on. This is what should have not been the neglected. If the Member had any compunction, he would have been ashamed to get up here this morning and say that his Drug Advisory Council did not meet in one year. He should have been in a position to say that it met as recently as yesterday! And that it is active in every community in this country, on every street corner, on every playing field and in every school house.

Madam Speaker, to combat this problem we need to work in our schools, in our churches, in our play fields, on the streets and in the homes. It is a cancer which is eating us up and there are few fortunate households in the Cayman Islands who can truthfully say that they are not directly affected by this problem because if we do not have a brother or a sister, we have a cousin, a niece, a nephew, an aunt, an uncle or a friend and I am frightened and I am hopeless and forlorn because nothing, nothing! has been done to cap even the tip of this iceberg, let alone to deal effectively with it.

I would honestly like to see... and I pose a challenge to every Member of this Honourable House. Find some time to set yourself up as a role model so that youngsters can have someone they can emulate, rather than those people now who drive fancy cars, who dress in fancy clothes, and have lots of money to spend from their earnings in the drug trade. I believe that one of the problems young people in this country face and one of the reasons why there is such a lack of self esteem is because many youngsters believe the long route, the honest route, the route of hard work, sweat, tears and sometimes blood, is unattractive and you know in my wanderings and in my sojourns and in my dealings with the youngsters I realise, indeed I illicit from most of them, that they do not see, or very few of them see, Caymanian role models that they can emulate.

It is not that they do not see Caymanians, it is that those Caymanians it seems do not have time to spend at that level with those youngsters - an evening, a morning, a couple of hours. I think that we as the leaders of the country, as the leaders of the respective communities, as the leaders of the people, should take that as a challenge. Go out of our way so that we spend some time talking, playing or as was popular some years ago, rapping, with these youngsters.

I have always tried to be close from my days as a school teacher because I know of the importance of having role models that are honest, that are respected and who care.

That was how I arrived at my ambition to be a teacher and later to be a leader in my community. Dealing as I am now with crime and drugs and the deteriorating social situation in our country, I find this a convenient time to say that the obligation and the responsibility, and while I offer criticism to the Government, their obligations and their responsibility does not end with the Government; does not begin with the Government but begins with parents, the family and the guardians of these people. It is a responsibility, almost one could say a sacred responsibility of these parents, these guardians and these families to spend quality time with their children. To be interested in what they are doing, in who they are hanging out with and where they go.

My mother used to tell me when I was growing up, and I sometimes complained about her harsh and austere punishments, that I was fortunate to have someone who was interested and to have someone who cared enough to discipline me. I could not understand how someone who could whip so hard, could propose that she was kind. But I understand it now. I realise it now because it strikes me that neglect is the beginning of the problems some of our youngsters get into.

So, I am saying that the family has to bear the brunt of the responsibility and it is not good enough to rally around the child or children when they get in trouble. It is not good enough to rally around them when they are pronounced a crack-head or a ganja-head. We have to rally around them before it reaches that level. We cannot expect and we cannot say, as I sometimes hear remarked, "Keep it up, keep it up, the police and the courts will deal with you". We have to stop it before it reaches that point.

While I am saying that the Government bears some responsibility, I am emphatically remarking that the family specifically the parents and guardians of our children have a sacred responsibility to see and ensure that their charges get the best upbringing, the best care and the best advice that they can have. This means that they must be loved, they must be nurtured and they must be cared for at home because it is unfair and unreasonable to expect the State to bear all of that awesome responsibility and I say this to say that we will never conquer the drug problem or any other problem if the State works without the cooperation and collaboration of the home. The churches cannot do it all, the Service Clubs, for all of the valiant efforts they are making, they cannot do it all. It has to be a collective effort.

**MADAM SPEAKER:**

Honourable Member would this be a convenient time to take a suspension.

**MR. ROY BODDEN:**

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**THE HOUSE SUSPENDED AT 3:47 P.M.**

**THE HOUSE RECONVENED AT 4:06 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed, debate continues on the Throne Speech. The First Elected Member for Bodden Town, continuing.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Prior to the break I was beginning to express some sentiments on crimes other than those which are drug related and I want now to mention some concerns which relate to the area of commercial crime; the rise of which alarms me.

In my own amateurish way I have been trying to come to some understanding as to why so many of our people sacrifice their honesty, their dignity and betray the trust of their employers by resorting to this type of dishonesty. I suppose if one were looking for excuses, there are myriads of economic and sociological explanations but I believe that the true reason lies in an erosion of the old Caymanian morals and ideals because, why is it when we were poor and struggling we did not have a proliferation of thieves in our society?

I have been delving at some length into this notion and in so doing I read extensively. I believe that some of this behaviour emanates from what transpired here some years ago before we were as clean as we are now, or as we are trying to be in terms of getting rid of shady characters and shady investors who try to dump and impose upon our country money from ill gotten gains, namely narcotics and otherwise.

The international literature is rich with the notion of Cayman and companies here dealing in this kind of money. I remember reading in one book entitled, "Hot Money", and the politics of debt written by a professor at McGill University in which he traced a circuit of this money and he chronicled how prior to the Reagan administration putting pressure on tax havens to clean up their act there were millions of dollars in places like the Cayman Islands and more recently, there is another one which goes into great detail about some of the activities. I want to say that this is not just a figment of the imagination of someone who wanted to sell a book. Indeed, in the one called "Offshore Haven, Banks and Trust Companies the Business of Crime in the Euromarket", much of this information was gleaned from testimony before the United States Senate and Grand Juries on organised crime and narcotics trafficking and money laundering.

I was shocked at some of the information that I read in that book and will only say here that I am alarmed at the intricacy of the knowledge of the people in Washington according to the contents of those books. So I want to say that this whole rise in commercial crime that the Police Report speaks about must in some way be connected to the notion that ill-gotten money does not carry the same stigma when it is misappropriated, embezzled, or stolen. I can only say that I would hope that, as a nation, our people realise that there are no short-cuts. To come to this point we did not take any short-cuts and there are not



many left and we should cease from sacrificing our dignity and mortgaging our reputations by resorting to dishonesty.

Then too, the broader question of our reputation as an international financial centre comes into focus if this kind of practice becomes wide-spread and internationally known. White collar crime it seems is on the increase, not only in the Cayman Islands but in the world generally. Certainly, if one is to think back on the whole saga of Ivan Boscy and Michael Milligan and that crew, we have startling examples of these types of activities. The point I wish to make, however, is that crime, whatever its nature, be it white-collar or otherwise is crime and it can only detrimentally affect our country and our society.

I am especially alarmed because I think it is a serious breach of trust when one is given certain responsibilities by his or her employer and one resorts to dishonesty. Not only does the person so alleged and so charged bear that stigma, indeed, his off-springs, family and close relatives also suffer the embarrassment and shame.

I suppose that one could say that in these kinds of tight economic times, recessionary eras, these kinds of activities are more prevalent than ever. I would suggest to us that recession, depravation, or nothing else should make us lose our good names and good reputation for glory that might not last for very long. I would hope that in the next Annual Report published by the police, we could be able to read that there has been a decrease, not only in this kind of crime, but in crime generally. We in the Cayman Islands must remember that we are setting ourselves up as a paragon of, if not complete virtue, then near virtue, that we are setting ourselves up to entice not only the tourists but people who wish to leave their legitimately earned monies here in our safe keeping.

I think it behooves all of us to remember that our reputation was based on honesty and trust-worthiness. If I sound like a preacher, I hope my message will not fall on deaf ears because we have numerous young employees in our financial institutions and in other positions of trust. The corollary to this will have to be that institution which is charged with the rehabilitation, safe keeping, ware-housing, whatever you wish to term it of the people whom our courts have dictated be incarcerated.

It is an old story now that our prison is over populated. It is an old story too that the crime situation is not likely to get better in the near future and I would like to say at this point that this situation must be a topic in any election campaign for prospective candidates in the next little while. Suffice it to say however, that it is not good enough to talk about it, we have to make concerted efforts to address it effectively.

Before we can do that we must have an institution which is so organised and so run that the people we put there can believe in the institution, that is Officers as well as those entrusted in their care and above all so that the wider society can have faith and confidence in the ability of that institution to rehabilitate or to effectively deal with their charges I want to categorically and unequivocally lay the charge that such is not the case now.

What exists according to my information falls far short of what we would expect and as a representative of the peoples of this country, quite frankly I am alarmed by the charges of nepotism, misuse, abuse of authority and rank, and down right plain carelessness. I would hope that the Government will take note for in the past week, I have been reliably informed that in the recent recruitment drive application forms of what was reported to me to be suitably qualified Caymanians were lost and that one of principals responsible for examining, interviewing and recruiting the Officers had his brother flown in and hired to the exclusion of one young Caymanian.

Madam Speaker, it is a situation which violates the Caymanian sense of propriety and I am hoping it could be addressed for I understand also that there is an unprofessional relationship and fraternisation within inmates by some Officers to the point that some of these inmates, upon their release, are expected to perform work on these officers' houses.

There are further unprofessional relationships and fraternisation among some high male Officers (at least one) and a female staff member, according to my information. I am saying that this cannot be right in an institution charged with such serious and grave responsibilities this matter bears investigating into. I understand that certain Officers are paid for abnormally long hours of overtime. I understand that there is some abuse of the telephones by people who make unauthorised and unnecessary overseas calls. I understand from Officers that inmates frequently jeer and deride them when they report the inmates for reprimand because of the favour and the way in which some high Officers view the inmates.

I am saying that the moral in this institution, one of the social control mechanisms of our society is not as it should be and yet, recent investigations and report said that things were well. I am concerned and my position is that I have a responsibility when my constituents and the people whom I represent bring these concerns to my attention they expect that I will relay them to the relevant authorities and so I would like to underscore my position.

I am not on a crusade against anyone, I am only crusading to be the best representative that I can be for my people. That is what I pledged to do, that is what they expect and so in bringing these charges, as I have been told, I would hope that my position is not misunderstood. I would also hope that I will not be the subject of any threat or intimidation as I hear sometimes occur because while I am not a fool, I am not a person who is easily intimidated.

I am concerned that prison is not a good place, it is not a place where anyone should desire to be and those who find themselves in the unfortunate position of being there should be kept circumspect. They should be in such a position that they can realise the reason why they are there is because they owe a debt to society and they have to pay that debt, not for them to fraternise or to be treated as equals and be in a position to jeer and make fun of the Officers just because they may be in the favour of some higher up. It is a situation that I will watch with both eyes open without winking.

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

**MADAM SPEAKER:**  
the adjournment?

It is now 4:30, Honourable Member. May I ask for a motion for

**ADJOURNMENT**

**HON. RICHARD W. GROUND:**  
until 10.00 a.m., Thursday the 20th of February.

Madam Speaker, I move that this Honourable House adjourn

**QUESTION PUT: AGREED**

**AT 4:30 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
THURSDAY, 20TH FEBRUARY, 1992.**

**THURSDAY  
20TH FEBRUARY, 1992  
10:08 A.M.**

**MADAM SPEAKER:**

Prayers by the First Elected Member for West Bay.

**PRAYERS**

**MR. W. McKEEVA BUSH:**

Let us Pray.

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

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

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the 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. 13, the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

**THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE**

**NO. 13:** Could the Honourable Member say whether criminal activity is on the increase in the Cayman Islands High School?

**ANSWER:** The Administration of the Cayman Islands High School does not feel that there is any discernible increase in criminal activity in the High School itself although there does appear to have been a gradual increase over the years in students becoming involved with the police owing to their out-of-school activities.

What has increased and is giving cause for concern is the rise in the number of incidents involving rudeness, defiance and disrespect toward teachers and abuse (mainly verbal but very occasionally physical too) of teachers.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

The Elected Member for East End, supplementary.

**MR. JOHN B. McLEAN:**

Madam Speaker, a supplementary. I wonder if the Member could say what positive steps, if any, have been taken by Government to stamp this out?

**HON. BENSON O. EBANKS:**

Madam Speaker, enforcement of discipline is the responsibility of the school authorities and in extreme cases reference to the Department and infrequently to the Portfolio. It should be recognised that in the school setting activities which would, in the wider world, be taken as criminal are regarded as merely the abhorrent acts of youth. Because this is so teachers apply the normal and accepted disciplinary actions or remedies to these activities very often caused by the exuberance of youth.

**MADAM SPEAKER:**

The Elected Member for East End.

**MR. JOHN B. McLEAN:**

Madam Speaker, could the Member say how many times over the last year the behaviour of certain students at the school got so bad that the police had to be summoned?

**HON. BENSON O. EBANKS:**  
two occasions.

I am not certain, Madam Speaker, but I believe that it was on

**MADAM SPEAKER:**

The Elected Member for East End.

**MR. JOHN B. McLEAN:**

security officers are presently employed at the Cayman Islands High School?

**HON. BENSON O. EBANKS:**

Two, Madam Speaker.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Member could say if such behaviour as possession of a threatening weapon, threatening a teacher, using obscene language, etcetera, are considered exuberances of youth, or are they viewed in a more serious category such that these children should have access to counselling?

**HON. BENSON O. EBANKS:**

Madam Speaker, counselling services are available to all students and naturally, all of these services are applied in an attempt to modify the behaviour of children.

Certainly the examples given would not be acts which would result in the police being called in if for example, when, I think he mentioned threatening teachers or being in possession of a knife, as long as there was reasonable response to this by the student when challenged or required to do so by the teacher then the matter would be finished there.

**MADAM SPEAKER:**

The Elected Member for East End.

**MR. JOHN B. McLEAN:**

Madam Speaker, could the Member say what was the nature of the two cases which he mentioned when the police officers were called in at the school?

**HON. BENSON O. EBANKS:**

Madam Speaker, to the best of my recollection both incidents involved violent behaviour by students which the teachers were unable to bring under control. In one instance I believe it involved the use of a cement block, or a stone, or something, by the student or students involved.

**MADAM SPEAKER:**

If there are no further supplementaries the next question is No. 14, 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. 14:** Would the Honourable Member say whether there have been cases of teacher abuse by students and what steps have been taken to prevent such behaviour in the future?

**ANSWER:** There has been an increasing number of offences involving teacher abuse in the last two years. These are mainly verbal and occur particularly when teachers in all schools are trying to impose high standards of work and behaviour. This occurs among a very small minority of students. There have been very few incidents of physical abuse of teachers.

The following methods are used to try to prevent such behaviour from recurring:-

- (1) Withdrawal from class
- (2) Detentions
- (3) Counselling by teachers, principals, school counsellors (at times including parents)
- (4) Referral to Social Services
- (5) Referral to Chief Education Officer and/or Education Psychologist
- (6) Talks at school assemblies
- (7) Discussion of "problem solving/learning to cope" techniques in life skills classes
- (8) Counselling by members of the outside community in an effort to provide positive role models
- (9) Strapping
- (10) Suspensions
- (11) Referral to police (in rare and extreme cases).

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

The Elected Member for East End, supplementary.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could state exactly how many physical abuse cases have been recorded at the High School and the most recent date?

**HON. BENSON O. EBANKS:** No, Madam Speaker, I am not in a position to do that.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say whether this kind of behavior occurs with children within a specific age group, or whether it is spread across the school population at the respective school?

**HON. BENSON O. EBANKS:** Madam Speaker, the operative word is that there are few incidents of physical abuse to teachers and it is spread across the general population of the school as far as the incidents are concerned.

In many instances these are students who have given trouble throughout the system. The idea is to try to modify this behaviour by the application of counselling and other treatment at an early age so that it will be stamped out by the time he/she gets into High School or even the present Middle School.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say whether there is in place now any system of mandatory counselling for these students and any joint counselling sessions with these students and their parents?

**HON. BENSON O. EBANKS:** Yes, Madam Speaker, that was one of the methods given to prevent the recurrence of these incidents and to modify the children's behaviour.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if any attempts have been made to determine the root cause within the school population of this type of behaviour or reaction in a general way and secondly, if it is something unique to a certain group or certain number of children? Have any attempts been made to seclude them in a school or unit within the education system to correct this behaviour?

**HON. BENSON O. EBANKS:** Madam Speaker, much of this disruptive behaviour comes from children whose origin does not lie within these Islands. There certainly is a system. For example, we have the Alternate Education System where children who become particularly and unduly disruptive are placed with an effort to try to apply a one on one relationship and to get them back into the mainstream, if possible.

We have on staff a clinical or educational psychologist and certainly the analysis by this officer would hopefully reveal, in the case of each student, the root cause of the child's problem.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, the Member said that among the children who display disruptive and violent behaviour are not necessarily children of Caymanian people. In such instances where this is found to be the case, has any attempt been made by Government to see the return of those children to their other societies or indeed is it the case that we find in the Cayman Islands that we have to live with this problem and there is no way of dealing with it from a point of view that it is not our problem to deal with?

**HON. BENSON O. EBANKS:** Madam Speaker, although the children whom I referred to are not of Caymanian origin as such, invariably they are children who have a right to remain in the country. For example they are children who are born in another country to persons with Caymanian status or certainly strong Caymanian connections so that by the time the children come to the attention of the authorities we are, in fact, for the want of a better word, "stuck" with these children. In cases where we are not so "stuck", we take efforts to send the children back.

In a more general way, we try to minimise this problem by having a policy where it is discouraged to allow people with minor dependents from joining the work force. That is the main reason why that policy is in place.

**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 any assessments have been made on any of these children to find out if the problem is a cultural one, if it lies in the frustration of these children to master the language, or if it is purely pathological in nature?

**HON. BENSON O. EBANKS:** Madam Speaker, I am not able to relate the exact reason but certainly, all of these children are subject to analysis by the education psychologist. I do not believe that a specific

pattern has emerged, otherwise it would have been brought to Government's attention.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could tell us if there is any system in place at the Cayman Islands High School where students who are known to have physically abused teachers are checked in the mornings for things such as knives or perhaps other things which could be dangerous to students and teachers?

**HON. BENSON O. EBANKS:** Madam Speaker, there is a system of surveillance at the school. I am not going to say here that every morning these children are checked but if there is reason for teachers to be alerted to any possible abuse or misuse of arms or whatever, the provision is there for the student and his belongings to be searched.

**MADAM SPEAKER:** We will proceed to the next question No. 15, standing in the name of the Elected Member for East End.

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

**NO. 15:** Would the Honourable Member say what steps have been taken to strengthen the police presence in the district of East End?

**ANSWER:** In 1990, following an increase in establishment, the number of police officers assigned to the outer districts were increased from one sergeant and six constables to one inspector, one sergeant and ten constables. This was reported in the 1990 Royal Cayman Islands Police Annual Report.

These officers work from Bodden Town Police Station and are detailed to patrol the districts of Bodden Town, North Side and East End.

The Police Stations at North Side and East End are operational and officers are resident at both stations. At the present time an inspector and a constable are living at the East End Station and two constables are living at the North Side Station. One constable at each Station is assigned to the outer districts. The inspector and one constable to the outer districts who is resident at Bodden Town Police Station. The remaining officers assigned to the outer districts live in their own homes.

The outer district personnel are allocated three vehicles and the level of policing is considered adequate for the number of crimes and other incidents being reported in these areas. Serious offences occurring in the outer districts are investigated by the CID and the Traffic Department also patrols these areas on a regular basis. Two members of the drug squad, a detective sergeant and a detective constable have special responsibilities for dealing with drug offences in the outer districts.

There are no plans at the present time to increase the number of police officers assigned to the outer districts.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** I wonder if the Member would be in a position to say exactly how many hours per week a police officer could be found at the Station in East End?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker, I could not.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** A further supplementary, Madam Speaker. I wonder if the Member could say, is it not correct that although the premises are used by a police officer to live that it does not mean that he is on the premises during the day and most of the night?

**HON. J. LEMUEL HURLSTON:** That is correct, Madam Speaker. However, in the substantive answer it says that a constable is assigned to each of the districts of North Side and East End. There is an inspector and a constable presently living at East End. The inspector is actually stationed at Central Police Headquarters in George Town and is merely living in the district. His responsibility is not to work at the Station.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say whether

Government is satisfied, with the growing number of criminal activity not only in my district but throughout the Island, that this is a satisfactory arrangement?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, my understanding is that the police are satisfied with the current levels of manning and are satisfied that the rate of incidents are being catered to in a satisfactory manner.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member is aware that the residents of that district are dissatisfied with this arrangement?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, I am aware.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, may I ask the Member, is there a period between midnight and sunrise, when no police officer could be raised at the stations in Bodden Town, East End and North Side and has anything been done to correct this?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, between the hours of 2:00 a.m. and 6:00 a.m. I believe, I reported to the House on a previous occasion that there was a gap during those hours and it is my understanding that those hours continue to be covered generally from Central Police Headquarters in George Town meaning that the gap continues to exist.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say how well is this fact known because somebody wanting assistance in Bodden Town would normally call the Bodden Town Police Station, or in East End would call the East End Station? Would they normally know that that Station is covered by George Town at that critical time?

**HON. J. LEMUEL HURLSTON:** My understanding is that the public is well aware of this and that they know that when they do not get a response from one station they go to the next and if they get no response from the next they know that they go to the top, which is the Central Police Headquarters in George Town.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, is the Member aware that in many cases residents of my district of East End for example, have had to call the Bodden Town, North Side and finally, the George Town Station in order to have their calls answered?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, I am aware of that.  
I am also aware that we have a national 999 number for emergencies and that 999 is answered at Central Police Station in George Town.

**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 he has received any petitions complaining about this existing situation from members of these constituencies?

**MADAM SPEAKER:** Honourable Member, would you repeat that because I do not believe it came over very clearly on the microphone? Thank you.

**MR. ROY BODDEN:** Yes, Madam. I wonder if the Honourable Member could say if he has received any complaints against this situation from residents in these three respective areas?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, I am aware of the dissatisfaction being expressed by some members of these constituencies. I have received no direct complaint myself, however, I have received some, via the Elected representatives from these constituencies and I believe that the police have also received one or two direct complaints. But as I stated earlier, Madam Speaker, the Department is satisfied that they are capable of responding satisfactorily to calls made from residents of those areas by servicing those calls from George Town, if that is necessary.

**MADAM SPEAKER:** We will proceed to the next question No. 16, 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. 16:** Would the Honourable Member say how many offences and the nature thereof warranted suspension and/or expulsion at the Cayman Islands Middle and High Schools since September, 1991 until January, 1992?

**ANSWER:** **Cayman Islands Middle School:**

Between September 1991 and January 1992, there were 14 suspensions and no expulsions at the Cayman Islands Middle School. Five students were suspended for fights. Five students were suspended for repeated rudeness and disruptive behaviour toward teachers, repeated disruption of classes, and repeated breaking of school rules. Two students were suspended for endangering the safety of other students. Two students were suspended for damaging Government property.

**Cayman Islands High School:**

At the High School, between September 1991 and January 1992, there were 48 suspensions and three expulsions. The nature of the offences were as follows:

Verbal abuse to members of staff	17
Physical abuse to members of staff	5
Possession of a knife	5
Fighting	14
Gross disobedience, persistent defiance refusal to comply with school rules	4
Having seven or more detentions for the term	6

Of the five students guilty of physical abuse to members of staff, three were expelled from school. The other two were suspended for 30 days each.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say what is the procedure once a student has been suspended and returns to school? That is to say, whether that student is returned in a normal fashion to class, or whether that student has to go before his class or the general assembly and apologise or make any kind of confession or repenting statement?

**HON. BENSON O. EBANKS:** Madam Speaker, children are sometimes returned to school with conditions attached but I have no knowledge of them having to make any public apology or anything of the sort at assemblies. In fact, the suspension is not always known to the rest of the school. It is often very much a matter between the student and the authorities.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Can the Honourable Member say how the discipline of students in the schools could have deteriorated to such a stage that we are looking here at 48 suspensions and three expulsions in four months? This is a serious matter.

**HON. BENSON O. EBANKS:** Madam Speaker, I do not know where the Member gets his information that there has been a serious deterioration. I believe that in a previous answer I stated that the administration of the school did not consider that there was any marked increase in serious behavioural problems. I believe the Member must realise that we are dealing with well over 1,000 students. They are no longer a handful.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Does the Member realise that this is equal to about five per cent in the number of students if he is looking at 1,000 students, in the four month period? This is nearly 50 out of 1,000 students in four months who have been with this. My question is, what is the Member going to do to solve this very serious problem?

**HON. BENSON O. EBANKS:** Madam Speaker, if I was not capable of realising that I do not believe I would be here. What that Member must realise is that in these instances some of these are offences by the same student. There is not necessarily 50 students involved.

My information is that there has not been any serious deterioration of behaviour. There is an increase, as I said earlier, of some offences. And, as I also said earlier, the question of discipline enforcement is one dealt with at the school. It is not necessarily something that I am going to jump into. I am concerned but I am not going to issue any edicts unless it gets out of hand and it is my information



that it is not about to get out of hand.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say whether any consideration has been given to the establishment of a student's council or a school's council whereby the students themselves set a code of conduct and vote officers who are responsible for seeing that that code of conduct is upheld and for determining the sanctions for breaking that code or those codes?

**HON. BENSON O. EBANKS:** Madam Speaker, a student's council exists at the High School and there is also a system of peer counselling; the counsellors have volunteered, having been trained by professional counsellors.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Madam Speaker, I was asking whether the Student's Council sets the code of conduct and standards of behaviour for students at the school and whether they have any say or any responsibility in determining the sanctions which are to be applied when that code of behaviour or behaviours are broken?

**HON. BENSON O. EBANKS:** Madam Speaker, the Student's Council is consulted and when the code of conduct and sanctions are put in place, the Council assists in its implementation.

**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 what disciplinary measures are in place at the schools and who is responsible for administering these measures?

**HON. BENSON O. EBANKS:** Madam Speaker, surely that was a question earlier.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder to what extent is the Student's Council involved, since in answer to an earlier supplementary the Member said very often students returning from suspension return to school without the general population knowing of their offence and their return?

**HON. BENSON O. EBANKS:** Madam Speaker, I do not necessarily follow the reasoning in the Member's question but the answer that I gave was that the Council was consulted when rules were being formulated and that they assisted in seeing that those rules were adhered to. I did not indicate that they had anything to do with the decision as to any student returning to school. That is in each specific case. They were consulted generally.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Would the Honourable Member say what he is doing as the Member responsible for education, to assist the schools and the Department in dealing with the problem?

**HON. BENSON O. EBANKS:** What a revelation! Madam Speaker, I assist the Education Department and the schools by giving them whatever assistance, equipment and whatever is required, and general policy directives but I do not run the schools, that is, on a day to day basis.

**MADAM SPEAKER:** May we proceed to the next question? Question No. 17, 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. 17:** Would the Honourable Member say what is the annual cost to Government per pupil for the following:

- (i) first year at the Middle School;
- (ii) last year at the Middle School;
- (iii) first year at the Cayman Islands High School;

- (iv) fifth form at the Cayman Islands High School; and
- (v) both years of sixth form?

**ANSWER:** Government's expenditure is not broken down in a manner implied in the question above. However, the total cost to run:

- (1) the Cayman Islands High School is \$3,589,876 per annum (i.e. \$3,762.98 per student per annum); and
- (2) the Cayman Islands Middle School is \$2,137,520 per annum (i.e. \$2,740.41 per student per annum).

These quotes do not only include tuition but also busing, electricity, water and maintenance.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. Madam Speaker, may I then ask the Honourable Member if the cost is not broken down per pupil on an annual basis, what is the method used for making projections as to future enrollments, etcetera?

**HON. BENSON O. EBANKS:** Madam Speaker, the Member asking the supplementary has not heard my answer. If he still wants me to answer that question after he sees the written answer, I will answer him.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, I wonder if the Member would tell the House whether he considers it in any way desirable to have a breakdown of costs per pupil in the particular manner as is requested in this question? Does the Statistics Department, or the Treasury, or any such Department in Government have an interest in being able to identify true, itemised costs in the area of education?

**HON. BENSON O. EBANKS:** Madam Speaker, the Department is aware and as I have stated, of the per student cost at the schools. I do not know that it would be of any specific benefit to break it down per year since very little difference is involved between the years. We have it per student per annum. It seems to me that is adequate. For example, a teacher teaching a first year student is paid at the same rate as one teaching a fifth year student and so on.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if there are not some variants such as text books and the like, which come into play where students are concerned in the various years as they progress in their course?

**HON. BENSON O. EBANKS:** Books are rented by the students. They all pay the same fee. Again, some books vary in price between the years. It is not necessarily true that the fifth form books are more expensive.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you. Madam Speaker, I wonder if the Honourable Member is suggesting that the first year of High School and the last year of High School, the last year being the final year of the sixth form, costs the same amount per annum?

**HON. BENSON O. EBANKS:** No, Madam Speaker. The sixth form is a special case in that the pupil-teacher ratio is much lower. In some instances subjects are taught on a one-to-one basis, certainly, classes as low as three. I have known it to be one-to-one. So that is definitely more expensive but we were talking from the grades one to five. My general comments were on the grades of one to five.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say if there would be a big difference in the cost per child if the class in the first year of school was four times the size of the class at the top?

**HON. BENSON O. EBANKS:** Madam Speaker, that is the specific reason why it is very difficult to break it down by year or whatever because the choice of subjects, the numbers which occur per class because

of streaming, or setting, or whatever, creates variables. Naturally, if one teacher being paid \$20,000 a year is teaching 40 students, it would be less expensive per student than if he was teaching 15 or 20. These are the variables which would make it almost impossible to break it down in that fashion.

11:00 A.M.

**SUSPENSION OF STANDING ORDER 23(7)**

**MADAM SPEAKER:** The time is now 11:00 a.m. .

**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 taken this morning.

**MADAM SPEAKER:** The question is that Standing Order 23(7) be suspended in order to complete the remaining questions. I shall put the question.

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

**SUPPLEMENTARIES ON QUESTION NO. 17 CONTINUING:**

**MADAM SPEAKER:** We will proceed. The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. The cost of \$2,740 for Middle School students and having regard to the grant to private schools of \$240,000 per annum, would the Member consider that it is in the economic interest of Government to assist private schools further which would relieve Government of this heavy cost per annum because the grant to private schools is only equal to 87 Middle School students? So I am asking would you consider increasing that grant and encouraging private schools to expand and relieve Government of some of this burden?

**HON. BENSON O. EBANKS:** Madam Speaker, if the Member's question is whether I support Government assistance to private schools, the answer is, yes. I believe the Member is treading on dangerous ground when he begins to compare systems or input.

Also the Member should be aware that in private schools amenities are enjoyed such as air-conditioning that do not exist in public schools. I am not about, in my exuberance to help private schools, to put them in a position where children who attend Government public schools are too seriously disadvantaged in comforts.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Let me put a supplementary to that question because the Member does not seem to have understood what I was getting at. Since the grant of \$240,000 is equal to 87 students in the Middle School and considerably less in the High School my question is, would you consider increasing the grants to private schools and encouraging them, not necessarily the Middle Schools but Primary Schools mainly, to expand and take more students which would relieve Government of this very heavy burden?

**HON. BENSON O. EBANKS:** Private schools are what they are described as, private fee-paying schools. I certainly encourage private schools to expand and absorb as much of the load as possible and I will certainly contribute as much as Government's revenue allows. We also contribute for example, in the form of services such as our psychologist. We certainly invite them to any training sessions and so on which we might have. But, Madam Speaker, the Portfolio of Education when it comes to the provision of schools, has the responsibility for those state provided schools. I am not about to cut corners with the public schools in order to provide contributions to the private schools. I hope I have made my position clear.

**MADAM SPEAKER:** We will proceed to the next question No. 18, 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. 18:** Will the Honourable Member state:

- (a) the reasons why the Caribbean Examinations Council Exam (CXC) has been chosen to replace the GCSE, giving the advantages and disadvantages of each of the types of examinations considered by him and/or his Portfolio; and
- (b) will he lay on the Table of this Honourable House or otherwise make public at the time of answering this question, supporting documentation for such advantages and disadvantages including the acceptability of the exams alone for entry into North American and United

Kingdom colleges, universities and educational institutions?

**MADAM SPEAKER:** Honourable Member, I gather that the answer is very long. Would you wish to read it? It is just two pages but the relevant annexure then would be just presented to Members.

**HON. BENSON O. EBANKS:** I would prefer to answer, Madam Speaker.

**MADAM SPEAKER:** Sure, please go ahead.

**ANSWER:** (a) The GCSE examinations, the ones currently used in the Cayman Islands, are designed in the United Kingdom to test United Kingdom children with the basic purpose of determining those students who qualify for sitting advanced level subjects with a view to going on to university. The content therefore reflects the thinking of the responsible parties in that country.

For several years there have been discussions about change in content to reflect the United Kingdom's new national curriculum. There has been intense national debate on the subject and it is obvious that not only are there differences of opinion within the ruling Conservative Party, but the Labour Party does not favour the proposed changes and has said that change would be inevitable should they win the forthcoming General Elections.

It will be appreciated that this means uncertainty and frequent change for territories like the Cayman Islands, which cannot be to the advantage of teachers and students.

Both GCSE and CXC have similar positive elements:

- (1) they offer a wide range of subjects;
- (2) they offer school based assessment.

CXC, however, has additional benefits:

- (1) It is very teacher oriented in the sense that teachers are involved in the setting of examinations and marking of scripts, allowing for ongoing useful feedback on and assessment and development of the appropriateness of the examinations to the students' needs.
- (2) There is a dual marking system which gives a student an overall mark for academic achievement, but also provides a "pupil profile" grade which accompanies a short report on a candidate's strengths and weaknesses, something which is extremely useful to employers.
- (3) There is provision within the agreement for member countries to request country specific syllabi or examinations. This facility is not available from other examining boards and is seen to be of considerable benefit to these Islands.
- (4) It caters for a wider ability range.

(b) I know of no single external examination, success at which ensures acceptance or entry into any recognised university or tertiary education institution.

In the United States, students from the Caribbean gain acceptance on the basis of their school leaving examinations and their performance in the SAT examinations.

In Canada, it is on the basis of advanced level subjects and SAT scores.

In the United Kingdom, acceptance is based on the results of 16+ examinations and advanced level examinations.

The wide acceptance level of the CXC examinations as qualification for entry to tertiary level institutions is well documented in various publications. However, in an attempt to be helpful I attach hereto a number of statements from various institutions indicating their acceptance in determining entry criteria.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Member say why consideration was not given to the

International General Certificate of Secondary Education by the University of Cambridge and the International Baccalaureate (IB) Examinations as recommended for consideration in the Education Review of the Cayman Islands Report of September, 1990?

**HON. BENSON O. EBANKS:** Madam Speaker, that question is in the form of a statement and I would turn that around and ask the Member to substantiate his statement by proving that we did not give consideration to it.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Madam Speaker, let me read my question again because somebody does not seem to understand the English language well. I have asked the reasons why CXC has been chosen to replace GCSE, giving the advantages and disadvantages of each of the types of examinations considered by him and his Portfolio? His document said very clearly that they recommended for prime consideration the IGCSE, the CXC and the IB.

**HON. BENSON O. EBANKS:** And, Madam Speaker, the Honourable Member is well aware because I have told him so, that we had representatives as suggested in the Report from the IGCSE and the International Baccalaureate, visit the country and make presentations. Having made those presentations it was the decision of my Portfolio to go with the CXC. So we did give consideration and the Member has been told this in other places.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Therefore, my question is what are the advantages and disadvantages of those other exams which you considered?

**HON. BENSON O. EBANKS:** Madam Speaker, I gave the advantages of those that I thought had advantages and the disadvantages are numerous.

Let us get it straight. In the case of the International Baccalaureate we are talking about the equivalent of the "A" level subjects. At this time the International Baccalaureate is not offered at 16+. That is something they are working on and is in the future. It is not available at this time. So we would have been talking about replacing "A" levels with the IB.

Now the disadvantage for the Cayman Islands with that is that you take a minimum of six subjects and it could have only catered to one or two students from our school, that is, students with a very strong and wide range of "O" levels.

In the case of the International GCSE, that is basically designed for the children of British civil servants or businessmen overseas. It is still designed for the British system. So what applies to the GCSE applies to the IGCSE except that on all counts it is regarded as less desirable even than the GCSE for our purposes.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Madam Speaker, since the Member obviously misunderstood the intent of my question which was a comparison of the exams set out in his document, what I would like to ask him and I put this question to him, will he supply the advantages and disadvantages of the IGCSE because if he reads, the Report it specifically stated certain advantages of it at page 180. I have a further question.

Did you consult with the teachers on this and could you tell me what were the results and the feelings there? My next question is, when did you make a decision to have the CXC and when did you consult the public on that decision?

**HON. BENSON O. EBANKS:** Madam Speaker, implicit in the reply which I gave to the Member was the fact that what he is asking is available from official public documents and normally would preclude me from giving an answer. In other words, if he will go and do his research he will get the answer.

But to be specific, there has been consultation with teachers throughout and there has been public consultation. Maybe the Member asking the question could say how much public consultation he engaged in when he decided to withdraw the Cayman Islands from CXC many, many years ago, or whether that was a personal decision?

**MADAM SPEAKER:** I think we are getting far away from the question and as I said earlier, there are numerous papers attached as requested by the Honourable Member, so may we get, finally, to the close of this question? The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. My question is why was this not, as recommended in the Report, specifically stated that we recommend that full consultation take place before the Portfolio makes decisions about the examinations that are deemed to be most appropriate for the Cayman Islands and it lists the IGCSE. My question to you again is, when did you make the decision to have the CXC exams and why did you not bring the Boards of the IGCSE and the other exams recommended by your Portfolio and accepted by your Portfolio to the Cayman Islands before you made the decision rather than bringing only CXC here after, for

the public to meet them?

**HON. BENSON O. EBANKS:** Madam Speaker, the Member's memory is obviously short. We brought all three Examining Boards to the Cayman Islands during the period of consultancy and consideration. The last visit by the CXC team was after I made the decision. But they came before as well, as did IGCSE and IB. In that case I do not know that we went public. I know that they went to the High School and I think, addressed the PTA meeting. My question is, again, since when has the decision of what examination is offered at the High School been a matter of public debate? This is the first time to my knowledge that the public has had an opportunity to make an input.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Can the Member say when exactly did he find out that the problem in the United Kingdom was as such that he would have to take this route with CXC?

**HON. BENSON O. EBANKS:** Madam Speaker, the fact that the examinations in the United Kingdom are in a state of flux has been obvious for approximately two years. Having entered into the Review, the decision was taken to allow that to have its course before any decision was taken as to which exam we would take. I believe the question was asked also earlier, when a decision was taken. I do not have the exact date with me but it was about a maximum of three weeks ago, it may have been four. Three or four weeks ago was when I made the decision to go with CXC.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Can the Member say whether the advice that he got back from the teachers was nearly evenly split between the CXC and the GCSE and why is he not phasing in the exams rather than bringing them all in at one specific time?

**HON. BENSON O. EBANKS:** Madam Speaker, to the best of my knowledge the IGCSE received little or no support by the teachers and it is correct, and the Member got that information from me, that the teachers were fairly evenly divided on the GCSE and CXC with some margin in favour of CXC.

Now the reason why GCSE is not being continued after 1994 is because change in the syllabus of GCSE is also imminent. In fact, Madam Speaker, only about six weeks ago, through an edict by the British Government, the class assessment marks in Mathematics were reduced from something like 80 per cent to a maximum of 20 per cent.

In the four subjects of Mathematics, Science and English, changes that have not yet even been determined, have been advised, in other words, we have been advised that there are going to be changes but we do not know what. So, if we have to change we might as well change to the new exam once and for all. I have no doubt, as will be attested by some of those documents attached to the answer, that CXC will prove to be adequate and good for these Islands.

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

**MR. W. McKEEVA BUSH:** Can the Honourable Member say when did he know of the possibility of the GCSE examinations being phased out? It is not a fact that it is recorded in the Hansards that the Member answered a question in this House relating to the same GCSE examinations and the possibility when we were entering into it that it would be phased out?

**HON. BENSON O. EBANKS:** That there would be further change, Madam Speaker. I do not recall using the words 'phased out' but we have always been aware, as I said, that changes are inevitable in the British system as they try to position themselves vis a vis the continent, that is the Economic Community.

**MADAM SPEAKER:** May we move on to question No. 19, 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. 19:** Would the Honourable Member please give details of the courses and tutoring available to High School students specifically geared towards preparing them for the SAT and similar United States educational institutions entry examinations?

**ANSWER:**

- (a) GCSE and advanced level examinations are accepted for entry into USA colleges and universities and also gain credits for exemption from certain courses. The Committee of Deans of Admissions which meets regularly in the USA accepts these qualifications.
- (b) AP (advanced placement) which, like 'A' levels, earns students credits toward their college degree, is taught to some 'A' level students during lessons and at lunchtimes and after

school. The subjects taught, vary depending upon the composition of the class, their interest and ability to carry the extra work.

- (c) SAT TEACHING. SAT is
- (i) taught to the 5th form repeaters group, and some 6th formers who are "free" at that time;
  - (ii) Individual SAT teaching through an IBM programme is followed by 6th formers in their own time;
  - (iii) 6th form careers teaching includes advice on the SAT and college entry requirements. Advice and assistance is also provided by the head of 6th form;
  - (iv) past SAT papers and booklets are issued to students who wish to enter so that they may gain practice in taking the test;
  - (v) the PSAT which is an invaluable preparation for the SAT is taught in 4th year life skills lessons, which are taken by all students in the year group.

#### SUPPLEMENTARIES:

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Member please say whether since it is an accepted fact that more and more Caymanian students are going to North American universities and colleges and other educational institutions, would he say whether he is now prepared to look at increasing the amount of tutoring and assistance given to students in relation to these entry examinations?

**HON. BENSON O. EBANKS:** Madam Speaker, I am not aware of any students coming out of the High School who are disadvantaged as to entry or scores on the SAT because they are not specifically taught how to respond to the SAT examinations. To the best of my knowledge all students coming out of the High School score high enough to gain entry to the college of their choice.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Since the SAT is a requirement for North American universities, does the Member not feel that unless students get a very high scoring on it they may be disadvantaged into getting into very good universities and thus the High School should now be looking at more formalised tutoring to assist these students?

**HON. BENSON O. EBANKS:** Madam Speaker, I said earlier that I am not aware that any of our students are disadvantaged. I believe that the standard of our High School education is such that all of our students do well. Even those who do not pass the "O" levels are capable and able and do score well on the SAT.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Member, therefore, when he has time, not at present, let me have the statistics on the sittings and the scores that students at the High School have had?

**HON. BENSON O. EBANKS:** Madam Speaker, I would have thought that being voluntary is, unless the student wants to give it, a matter for their records. If it is available, I would be glad to let the Member have it but I think that is a personal matter for the students since it is not published. It is not a published result.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Madam Speaker, I am not asking for names, I am just asking for pure, bare, numbers, statistics, I do not want the names of who has done what.

**HON. BENSON O. EBANKS:** I will attempt to get those and let the Member have them, over the last two or three years.

**MADAM SPEAKER:** Thank you. The next question is No. 20, 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. 20:** Would the Honourable Member say in what circumstances does Government consider a State Funeral warranted and are there other types of funerals held in recognition by Government?

**ANSWER:** A State Funeral is authorised only by Her Majesty the Queen. As far as I know they are usually limited to members of the Royal Family or distinguished commoners, such as Sir Winston Churchill. The Government considers official participation at private funerals of prominent persons on each individual occasion and depending upon the wishes of the deceased family.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Under our colonial form of Government, does the Government here have any authority whatsoever to recognise anyone, for example, who has served 20 years in the Legislative Assembly in any sort of unusual manner?

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

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

**MR. GILBERT A. McLEAN:** So would the Member then say that in the case, for example, when special recognition, I understand, was suggested or requested in the case of two deceased legislators, for example, Mr. Jim Bodden and Mr. O. L. Panton, there would be no specific way that the Government could show any recognition to them, or in those cases?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, both of the cases referred to by the Member were private funerals of distinguished persons, one being a serving Member of the Legislature at the time of his death, the other being a former Member. In the case of the serving Member of the Legislature, the Government had a certain part to play in the private funeral arranged by the family. In the case of the latter there was lesser participation.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if there has to be special permission from the Governor, for example, for a gun salute of whatever number and so on, on such occasions where Government may be asked to allow such a thing?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, gun salutes are written and prescribed in colonial regulations and may be authorised by His Excellency the Governor on certain ceremonial occasions. They have been used exceedingly sparingly in the Cayman Islands.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Surely there must be some way that Government can recognise people who have served Government and the country well. I would ask that perhaps this be further checked out whether it is by some police presence or some official's presence, the lowering of a flag maybe?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I believe the Government prefers to honour its prominent citizens in their lifetime and not in their death. The question of lowering flags, firing of guns, etcetera, is not just a question of honour, it is a question of protocol and these matters are governed by regulations prescribed by the United Kingdom Government and which we are obliged to follow.

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

**MR. GILBERT A. McLEAN:** Could the Member tell the House whether there would be any objections to the Government bringing to this House a Bill where we, the people of the Cayman Islands, would set down ways in which we would like to honour those among us who have served in various official capacities?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, it may be perhaps regarded in some quarters as an imposition to suggest to families who are planning private funerals the extent to which Government wishes to be involved in those burial proceedings. If it is the wish of the majority of persons in the community to give up that responsibility to the Government, then the Government will have to consider it.

I believe that it is better to let the families decide and to make their requests and for the Government to consider what level and such form of participation is deemed appropriate.



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

**MR. GILBERT A. McLEAN:** Madam Speaker, I think the Member has misunderstood the question that I asked and that was not in any way suggesting that the Government should impose on any bereaved persons what it would choose to do at a private funeral.

However, what I attempted to elicit from the Member was whether there would be any objection, through the Colonial Office of the Governor or whatever, for a Bill to be brought to the House which would set down to what extent and in which way the Government would offer recognition to persons who have served in official capacities and in the public, if the bereaved persons so wishes that to be done.

**HON. J. LEMUUEL HURLSTON:** Madam Speaker, if that is the wish of the House, the Member is entitled to bring a Bill to set out what he would recommend the Government to consider.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, would the Member prefer to investigate perhaps through a committee, what the Government could do in case of such a death, or would he prefer to wait until after the next election?

**HON. J. LEMUUEL HURLSTON:** Madam Speaker, forgive me if I decline to answer that last supplementary, please.

**MADAM SPEAKER:** I think it would be left to Elected Member's who might wish to move a motion in due course about that rather than the Honourable Member pursuing that course. May we proceed to question No. 21, 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. 21:** Would the Honourable Member say if permission must be received from Government for businesses and individuals to use the Cayman Islands' Coat-of-Arms in advertising etcetera?

**ANSWER:** Yes. Requests are made to the Administrative Secretary who, in turn, makes a submission to Executive Council for permission to use the Cayman Islands Coat-of-Arms.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Would the Member say if any such applications have, to his knowledge, been made to Government?

**HON. J. LEMUUEL HURLSTON:** Yes, Madam Speaker. My office handles a fair number of such applications on an annual basis.

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

**MR. GILBERT A. McLEAN:** Could the Member tell the House what are some of the circumstances in which permission is granted for businesses to use the Coat-of-Arms?

**HON. J. LEMUUEL HURLSTON:** Madam Speaker, it is infrequently requested but the sort of examples which come to mind are examples where items involving products that are sold in the Island resembling British tradition, for example, where a crest of the Cayman Islands would appear to lend some local recognition to the product being sold here, or in the cases printed material such as books or stationary that have some historical or official value, such as books on the history of certain topics, or work of research, etcetera, where it is felt that it is appropriate and fitting to have the crest of the Cayman Islands as part of that publication. Those are examples which come to mind.

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

**MR. GILBERT A. McLEAN:** Could the Member say if any condominiums have been allowed to use the Cayman Islands' Coat-of-Arms or if they were using it unauthorised and secondly, if the various T-shirts

and such items here on the Island receive permission from Government to use the crest?

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, I recollect an application being made by a condominium developer for permission which application was not approved and I believe that the condominium in question made certain modifications to the design and hence the Coat-of-Arms is not used but something somewhat resembling the Coat-of-Arms perhaps is used at that particular property.

There is also a local restaurant in George Town that has an arms somewhat similar to the Coat-of-Arms but it is not identical. T-shirts, I recall, one or two exceptional cases involving national events, or events promoted by national institutions that have received permission to use the Coat-of-Arms on T-shirts. It is not a popular item however, to receive approval.

**MADAM SPEAKER:**

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Would the Member say if civil servants and Members of the Legislative Assembly for example, would automatically have approval for using the Coat-of-Arms on business cards and letterheads and the like?

**HON. J. LEMUEL HURLSTON:**

Employees of the Government who are, in their official capacity, engaging in printing business cards for official use have a general permission to use the Coat-of-Arms on those business cards.

The use of the Coat-of-Arms on any other stationary however, used by elected officials for example, would not have general permission.

**MADAM SPEAKER:**

There are three remaining questions, No. 22, No. 23 and No. 24, these will be dealt with after the House has been suspended. We will suspend for 15 minutes.

**AT 11:49 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 12:15 P.M.**

**MADAM SPEAKER:**

Please be seated.

We will continue with question No. 22, 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 ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE**

**NO. 22:** Would the Honourable Member state whether the Labour Office follows a regular schedule of inspection for the various hospitality properties in the Cayman Islands?

**ANSWER:** The Labour Office conducts periodic but unscheduled inspections of all such establishments. Most hotels, condominium/guest houses and restaurants in Grand Cayman have been inspected at least once during the last nine months. Those in Cayman Brac and Little Cayman were inspected in November 1991. Inspectors use a checklist which contains 56 questions covering 23 areas of the Labour Law. Inspections are always conducted on a no-notice basis insofar as is possible.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Cayman, supplementary.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Would the Member say if the Labour Office inspectors are normally activated to do an inspection by complaints from properties, or whatever information received?

**HON. W. NORMAN BODDEN:**

Madam Speaker, some of the inspections, I imagine, on specific items would be motivated by complaints that might be lodged with the Department of Labour but there are inspections that are conducted in the usual discharge of duties in that regard.

**MADAM SPEAKER:**

Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. Could the Member say if in the checklist of questions one of the areas which must be satisfactory to the inspector are questions relating to gratuity distribution and also the number of hours worked by employees?

**HON. W. NORMAN BODDEN:**

Yes, Madam Speaker, that is correct. Using the various sections of the Labour Law that provision is made in for the handling of gratuities that question is included in the checklist,

also the hours worked, rate of pay and working conditions in general.

**MADAM SPEAKER:**  
Elected Member for West Bay.

The next question is No. 23, standing in the name of the First

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

**NO. 23:** In 1990 the Honourable Member announced in this House a proposal to do a survey among school children to determine their attitudes to, and the use of drugs, cigarettes etcetera. Will he now state the results thereof?

**ANSWER:** The survey which this question refers to has not yet been conducted. In October 1991, the Portfolio obtained the services of Mr. Chris Smith, Chief of Research at the Welsh Health Promotion Authority, who developed a protocol and an instrument for a Youth Health Survey for the Cayman Islands. This instrument is similar to a World Health Organisation survey which measures attitudes to and use of drugs, cigarettes, etcetera, but it is adapted for local conditions.

At the present time, the instrument and protocol are being reviewed by the Portfolio of Education. Once they have approved it for use in schools, plans will be put in place to implement it by April, 1992.

**MADAM SPEAKER:** If there are no supplementaries, the next question is No. 24, standing in the name of the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Question No. 24, Madam Speaker, is directed to the same Member.

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

**NO. 24:** In a presentation to this House in 1989, the Honourable Member stated words to the effect that it will be necessary to write off a whole generation to cure the drug problem. Will he:

- (a) explain the statement; and
- (b) state what relation it bears to the National Drug Plan?

**ANSWER:** I would like to thank the Honourable Member for giving me the opportunity to set the record straight on this statement once and for all.

The statement was made while discussing the National Drug Plan in which the emphasis is on demand reduction through education.

I made the point that it would not be possible to educate those people already addicted, because the education process would have to start in the schools many years before. In this context, the generation of Caymanians already addicted had to be catered to by other means. The National Drug Plan does this through rehabilitation,

Members of the press, and others, chose to focus on the words "write-off" and misconstrued the context for their own peculiar purposes.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say if any national statistics have been kept and are available now as to the number of addicts since he came to office until the present time?

**HON. D. EZZARD MILLER:** Madam Speaker, there are no national statistics. The only records we have are those that are published annually as part of the statistics of the Medical Health Services in terms of those people who attend the Cayman Counselling Centre for services. There could be many more who do not attend and we do not have access to quantify those.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. I wonder if the Honourable Member would give an undertaking to consider this matter since one would have to assume that the progress in any war upon drugs hinges upon statistics being kept as to the number of addicts, number of treatments and number of successful rehabilitations?

**HON. D. EZZARD MILLER:**

We have the statistics on the numbers of treatments, the number of successful people and the number of people who fail. What we do not have is a national figure which indicates... I do not think it is safe to assume that every person who is addicted to drugs goes to the Cayman Counselling Centre and maybe the next time we do the census we could put in questions about drug use which might give an indication of a national figure.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you. Would the Honourable Member say whether he has not consistently resisted a rehabilitation centre and constructive rehabilitation of drug addicts, and therefore without rehabilitation that generation will be written off?

**HON. D. EZZARD MILLER:**

No, Madam Speaker, that statement is entirely incorrect. I have resisted building a concrete structure or centre because a centre does not provide any rehabilitation programmes on its own.

What we have put in place under the National Drug Plan are rehabilitation programmes on an out-patient basis and cater to those people who are identified through proper assessment by the counsellors, a psychologist and a psychiatrist who would benefit from intensive in-patient rehabilitation and provide the services for them.

The building of a centre, just to say that we have built a centre, will not solve the problem. We have in place the proper rehabilitation programmes for those on the Island.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Applying that same criteria, do you therefore agree that cement and concrete for a hospital will not give you good medical services especially in relation to dealing with these?

**HON. D. EZZARD MILLER:**

Entirely, Madam Speaker. We have also addressed the management improvements to which that Member voted against.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. W. McKEEVA BUSH:**

Madam Speaker, since the Member says....

**MADAM SPEAKER:**

The First Elected Member for Bodden Town, please.

**MR. ROY BODDEN:**

Madam Speaker, I will waive my right and go after the Member.

**MADAM SPEAKER:**

Well, please let me know in the future, would you?  
The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, I apologise. I thought you had called on me. Madam Speaker, since the Member says that he needs no building for rehabilitation locally, can he say how many people he is sending overseas?

**HON. D. EZZARD MILLER:**

Yes, Madam Speaker. In 1989 the Cayman Counselling Centre referred 17 people overseas; 13 Caymanians, eight went with Government's support. In 1990 we referred nine people overseas; six Caymanians, five on Government support. In 1991 we referred six people overseas; two Caymanians, no one on Government support.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Madam Speaker, I wonder if the Honourable Member would give an undertaking that the survey of the attitudes of school children towards drugs, alcohol and tobacco would be completed and the results tabled in this Honourable House during the June sitting, as this seems to be an important determinant of the direction of any drug education/awareness programme?

**HON. D. EZZARD MILLER:**

Madam Speaker, I will give the undertaking to table it when the survey is complete and the analysis is complete. It might not be possible to have both done before Parliament in June.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. Does the Member agree that the

drug problem is getting more serious and from his statistics Government is doing less and less every year for sending people into rehabilitation centres; from 17 in 1989 down to six in 1991?

**HON. D. EZZARD MILLER:** Madam Speaker, that is a typical lawyer's interpretation of statistics. The reason why the number of people referred overseas is reducing is not because the population of patients at the Cayman Counselling Centre is less, it is because of the improvements in the out-patient services provided by the Cayman Counselling Centre.

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

**MR. W. McKEEVA BUSH:** Madam Speaker, can the Member say what improvements he is talking about? The fact remains that he does not have a drug counsellor since August of last year.

**HON. D. EZZARD MILLER:** Madam Speaker, that is erroneous. There are two drug counsellors at the Cayman Counselling Centre at the present time. One left and the Public Service Commission has not yet completed the recruitment exercise, but there are two full-time counsellors. We have added a young, qualified Caymanian who is completing his internship for licensure since July last year. We have two Caymanian trainees in the Community Counselling Centre and we have added programmes.

**MR. W. McKEEVA BUSH:** Madam...

**MADAM SPEAKER:** May I say that the purpose of questions is to elicit information, not on points of argument. That will ensure arguments. Please. If you have a question for information, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, if you heard correctly, the question was what programmes is he talking about?

**HON. D. EZZARD MILLER:** Madam Speaker, I do not have a complete list of the programmes here but we have added the services of a psychologist to help in the assessment through a short-term contract arrangement. We have introduced family counselling programmes in addition to counselling services for the addict. We have increased the services to the Prison. We have put in place services for children of addicts. We have put in place programmes for co-dependents of addicts and that is just to name a few.

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

**MR. W. McKEEVA BUSH:** Madam Speaker, what has he done to stop the increase in addicts?

**HON. D. EZZARD MILLER:** Madam Speaker, there is legislation on the books under the Misuse of Drugs Law to stop the importation of the medications. We can only provide, through the education system, information for people to make informed choices. We work with CASA in providing other education programmes. If people choose to make the wrong choices we can only provide, in addition to the rehabilitation, services to try to help them live with their problem because there is no cure.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker.  
I know you are going to rule me Out of Order but that is just why we have not cured anybody because the Member believes that nobody can be cured.

**MADAM SPEAKER:** Well if you knew that I was going to rule against that, why did you persist, Honourable Member?

**HON. D. EZZARD MILLER:** Madam Speaker, that is a medical fact. I challenge the Member to produce a cure for cocaine addiction. It does not exist.

**MADAM SPEAKER:** That concludes Question Time for today.  
We will proceed to Other Business. Private Members' Motions.  
Private Member's Motion No. 2/92 Request for the Services of a Behavioural Psychologist to support the Education Department. The First Elected Member for Bodden Town.

## **OTHER BUSINESS**

### **PRIVATE MEMBERS' MOTIONS**

#### **PRIVATE MEMBER'S MOTION NO. 2/92 REQUEST FOR THE SERVICES OF A BEHAVIOURAL PSYCHOLOGIST TO SUPPORT THE EDUCATION DEPARTMENT**

**MR. ROY BODDEN:** Thank you, Madam Speaker. I would like to crave your indulgence to move Private Member's Motion No. 2/92 which reads as follows:

"WHEREAS there are many cases of disruptive behaviour in the Middle and High Schools;

AND WHEREAS recently some youths were expelled from the Cayman Islands High School for aggressive and violent actions;

AND WHEREAS there is currently no Behavioural Psychologist in the Government Educational System;

AND WHEREAS in most Educational Systems Behavioural Psychologists provide a valid and important service;

BE IT THEREFORE RESOLVED THAT Government investigate the necessity of obtaining the services of a child Behavioural Psychologist specializing in childhood and juvenile behaviour disorders."

**MR. GILBERT A. McLEAN:** Madam Speaker, I beg to second the motion.

**MADAM SPEAKER:** The motion has been duly moved and seconded. Private Member's Motion No. 2/92 is open for debate.

**MR. ROY BODDEN:** Thank you, Madam Speaker. Madam Speaker, I had some cursory discussions with the Honourable Member whom this motion is referred to and I understand from that discussion that the Government is on its way to seeking to redress this glaring need and inconsistency.

As far as I am concerned, it is a non-contentious and non-controversial issue and I base that observation on the fact that we have heard this morning again, as we have heard on a previous occasion, of the numbers of serious incidents of disruptive behaviour which exists particularly at the Middle and High School levels.

I believe that it is correct in saying that the Government has at present an educational psychologist but an educational psychologist is concerned mainly with testing and ascertaining rates and abilities of learning whereas a clinical psychologist specialising in behavioural disorders is more familiar and thus more able to deal with some of the problems of disruptive behaviour that we are experiencing.

While it is true to say that we still have a small school system comparatively speaking, we are nevertheless faced with numerous problems some of which, as the Honourable Member with responsibility for Education, Recreation and Culture intimated this morning, are caused by the fact that we have large numbers of children from outside of our jurisdiction who may not be so familiar with our culture and may not even be entirely proficient in the English language.

I would hazard to say that some of the incidents of behaviour which I see recorded arise out of frustration probably from not being able to perform at a satisfactory rate. However, I am concerned with those cases of behaviour which pose a danger to other students and to teachers. I am speaking of behaviour which is threatening, behaviour which involves the possession of a dangerous weapon, behaviour which involves the physical abuse of other students and especially where such behaviour is abuse of female students by male students.

I think these kinds of offences are bad enough in themselves. They are, however, worse when they are repeated. From my past experience as an educator, I would suggest that some serious and organised attempt has to be made to counsel these students. Not only to counsel the students in isolation, Madam Speaker, but also to have access to their parents and guardians and to involve them, where these offences are serious, in the counselling sessions because while I concede that some of the responsibilities lie with the state and by inference the school, it cannot be accomplished by the school and the state alone. It must be done in tandem with the parents.

I hasten to add that parents and guardians cannot realistically expect to shove their responsibilities of child-rearing and up-bringing on the school and expect the school and the state to perform miracles when they themselves abnegate their responsibilities, or reject dealing, or trying to deal with their charges because the behaviour is out of the realm of their understanding.

We have also to realise that we have the rudiments of an Alternative Education Programme and, Madam Speaker, for that programme to be functional and effective, we must have available to us people skilled in determining what types of disorders some of these children suffer from and who are expert at setting up testing and counselling programmes because our objectives should be not to have this school grow but to gradually move these students in the Alternative Education Programme back into the mainstream. As I understand it this type of non-traditional programme is more expensive than the ordinary school programme. So if the Government is to effectively deal with this problem we should then look about procuring the services of at least one or preferably two or more of these psychologists.

It need not be an expensive project. I would suggest that the Government may consider part-time services particularly if such an arrangement could be made that an assistant could be trained to carry out some tests which are necessary to determine what categories or what level of counselling some of these students may need.

I have reason to believe from my cursory conversation with the Member, that the Government will view this in a favourable light and I can only say again in moving this motion that the seconder and I have done so out of our concern and our altruism that our children, even those who are disruptive, may get the best treatment and have access to the best education these Islands can afford.

**MADAM SPEAKER:**  
Recreation and Culture.

The Honourable Member for Education, Environment,

**HON. BENSON O. EBANKS:**

Madam Speaker, I am sure that the Mover and Secunder of this motion are well-intentioned and are seeking only to ensure that a very important aspect of the pastoral care of our school children is adequately provided for. However, as to the specifics of the motion, I have some fundamental differences.

The motion in its third "Whereas" recital states that in most educational systems behavioural psychologists provide a valid and important service. I believe that upon reflection the Honourable Mover will agree that the terminology "behavioural psychologist" is misplaced. I have not been able to find that terminology used anywhere and in fact, research confirms that the title or name given to psychologists operating in the education system of the vast majority of countries are called education psychologists and in some instances clinical psychologists. A behavioural psychologist is a term never used. Having said that, it is a fact that all psychologists study behaviour or behaviourism as a part of their training and indeed it covers most of their training.

As regards the facts of the situation in these Islands, we do have a clinical psychologist on the staff of the Education Department and that Officer has been in the post since September, 1990, that is, the present holder of the post and prior to that since 1987, except for short periods we have always had a clinical psychologist at the Education Department. Additionally, due to the increasing work load of this Officer which includes assistance to private schools, a second post has been provided in the 1992 Budget and recruitment will begin shortly.

Additionally, there are other counsellors and psychologists and staff at the Grand Cayman Counselling Centre upon whose expertise and help the Education Department can draw. Therefore, it can be seen that this service is or will be well provided for upon the recruitment of the second psychologist in the near future. For these reasons Government considers the motion somewhat erroneous in facts and unnecessary in application. We unfortunately, although we understand the good intention of the motion, will be voting against it when the question is put.

**MADAM SPEAKER:**

At this time the House will be suspended until 2:15 p.m.

**AT 12:49 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:34 P.M.**

**MADAM SPEAKER:**

on Private Member's Motion No. 2/92.

Please be seated. Proceedings are resumed. Debate continues

Elected Member for Cayman Brac and Little Cayman.

No other Member wishes to continue the debate? The Second

**MR. GILBERT A. McLEAN:**

As the seconder of Private Member's Motion No. 2/92 before the House, it is needless to say I support the motion which my colleague, the First Elected Member for Bodden Town, brought to the House.

Listening to the reply of the Honourable Member responsible for Education, Madam Speaker, I see very clearly why we have a problem with education in these Islands.

The Member says that the term "behavioural psychologist" is misplaced and that he is not able to find that terminology used anywhere. In fact, research confirms that the title given to psychologists operating in the education system of the vast majority of countries is "educational psychologist and in some instances clinical psychologists." I am quoting there and that was the end of the quote.

Madam Speaker, I think it was Shakespeare who said, "A rose by any other name is just as sweet." I think that the mover of this motion made it very clear what type of psychologist he was talking about, that is a psychologist who deals specifically and specialises in behavioural patterns and actions in children, and he specified a child psychologist, not one who deals with adult behaviour but one who deals with child behaviour.

In his winding up statement the Member for Education said that apparently "for these reasons Government considers the motion somewhat erroneous in facts and unnecessary in application." That is quite a statement to make but the Member made it anyway. Apparently, his only objection to this motion is the fact that it was not called by a name that he said existed even though the intention was clearly stated and specified.

Madam Speaker, I would crave your indulgence and that of the House to refer to a text on psychology called Introduction to Psychology by Ernest R. Hilgard, Rita L. Atkinson and Richard C. Atkinson in a section which deals with Conceptual Approaches to Psychology. I would like to read briefly from a paragraph.

"Any action a person takes can be explained from several different points of view. Suppose for

example, you walk across the street. This act can be described in terms of the firing of the nerves that activate the muscles that move the legs that transport you across the street. It can also be described with reference to anything within the body. The green light is a stimulus to which you respond by crossing the street or your actions might be explained in the terms of its ultimate purpose or goal. You plan to visit a friend and crossing the street is one of many acts involved in carrying out the plan. Just as there are different ways of describing such a simple act as crossing the street there are also different approaches to psychology."

Madam Speaker, I would just like to quote now from the section which is headed Behavioural Approach.

"A person eats breakfast, rides a bicycle, talks, blushes, laughs and cries. All these are forms of behaviour. These are activities of an organism that can be observed. With the behavioural approach a psychologist studies individuals by looking at their behaviour rather than at their internal workings.

The view that behaviour should be the sole subject matter of psychology was first advanced by the American psychologist John B. Watson in the early 1900s. [Madam Speaker, this is 1992.]"

"Before that psychology had been defined as the study of mental experiences or activities and its data were largely self-observation in the form of introspection. Introspection refers to a very careful observation and recording of one's own perceptions and feelings.

[One last sentence:] "Watson maintained that only by studying what people do, their behaviour, is an objective science of psychology possible."

And it goes on to speak of other behavioural psychologists such as B. F. Skinner. Madam Speaker, I think that is very sufficient to prove that there is such a thing as a behavioural psychologist.

These persons do not necessarily measure the IQ of students and so on, or test them for dyslexia where they may prescribe them reading from a desk that is at a 30 degree angle, as the case may be. This particular type of psychologist that this motion is speaking about is one who is a specialist in the particular field of behavior dealing with what the children do. That is why this motion refers in its recitals to the disruptive behaviour in the Middle School and the High School.

Only this morning there was a list of cases cited about children behaving violently against teachers, brandishing weapons in school and all the rest of it. That is what this motion is talking about. Not that the school might not at this time have a psychologist, a counsellor, or whatever the case may be. This motion is specifically asking for a psychologist with a specialisation in behaviour.

In other words, the type of psychologist, who might be able to discover that little Johnny who likes to brandish a knife does so because he saw Mommy attacking Daddy with a knife or vice versa, Daddy stabbed somebody or so forth. They are able to identify it, it is their area of specialisation. That is the type of thing this motion is talking about. Certainly, we seem like we need such a persons in the school system. If the very statistics the Member for Education gave this House this morning are correct, then we do need such a psychologist in the school system and indeed, in this country.

This motion speaks about the aggressive and violent actions of children in the school system. About two weeks ago we heard of the expulsion of five children from school. I think two are permanently expelled, three apparently, may be allowed to go back. They are children who are of the age where they should be in school but the easy route is to kick them out on the streets so they are candidates for Northward Prison. Justices of the Peace and the Judges no doubt will soon be looking in the faces of those children and telling them, "Go to Northward Prison." And we wonder why we have a problem in this country.

The psychologist which this motion asks for is the type of psychologist who has experience and has studied the behavior of children and would attempt to do something besides recommending turning the children out into the streets. They would recommend some type of corrective therapy to change that behaviour. Maybe they are abused children, or as the case may be whatever, but they specialise in this particular field.

Madam Speaker, it is well and fine for the Member for Education to stand and say they have one psychologist now and they call them clinical or they call them whatever the case may be. I do not know who that individual is and I do not necessarily care to know. I would believe that the person is working for the wage he is being paid, but, certainly from the amount of behavioural problems within the school system that was reported here only today, it seems as if more psychologists are needed - certainly one with specific expertise in the area of behavioural science.

It is good that a post has been provided in the 1992 Budget but I would suggest to the Member that he should make every effort to see that when that post is filled it is filled by a psychologist who has specialised knowledge on the behavioural side of things concerned with children. That is what this motion is asking for not some facetious reply in semantics about one being called this and one is called that, or one is not called this or called that. There is such an area of psychology but the Member obviously does not know, and his advisors do not know, so we do have a problem in education. A very serious problem indeed.

Who else can help in this situation? Obviously the parents of these children cannot because if they could the children would not be behaving that way. If the average teacher could, then he would know how to handle the situation. Teachers would not be attacked by the children, or they



would not be allowed to disrupt their classes, or attack one another. So such a person as this motion says would provide a valid and important service, but I think the Member does not want this service provided. That seems obvious. If he is going to turn this motion down simply because he said that there is no one called such a psychologist, he should be guided and indeed, his advisors should be guided and told that there are specialised areas of psychology and one which deals with behaviour.

Madam Speaker, this motion does not present any erroneous facts and it certainly asks for something to be done about a very important issue in this country. All of us here, each day and in fact, even the young are getting older each day and we, those of us who are older, are moving on and we are hoping that what we did is going to be improved upon by the younger ones coming behind, the children. But there are in this country too many children being turned out of schools, being arrested by police, being detained by them, being interrogated by them, and it is only scarring their already scarred behaviour. We are not doing anything to remove some of those scars to the extent that it needs to be done. A facade.

So long as the Government can get up and say, "We had one post last year and we have another this year," the old Caymanian saying seems to apply "While the grass is growing, the horse is starving."

**MR. W. McKEEVA BUSH:**

Hear, hear!

**MR. GILBERT A. McLEAN:**

So, Madam Speaker, I support this motion and I think now that the Government is aware that there is such a thing as a behavioural psychologist it should change its position, accept this motion, find such a person and appoint him for the betterment of the children in this country.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

that I must give vocal support to it.

Madam Speaker, I will be brief but this motion is so important

I am not in the least bit surprised to hear of the reaction of the Government and the Member responsible in particular, to this motion. The Members on this side are well able to argue the technicalities of the motion. We do have a serious problem in our schools, a problem which was brought home very clearly by the answers given in the Chamber this morning when the Member gave us the dismal statistics on the serious incidents that have happened in the schools in the last four months, the period from September to January.

We must remember that the 51 incidents outlined by him took place in that short time despite the fact that school was on holiday over Christmas and perhaps a part of early September. So there is a growing problem and although he sought to minimise the problem he in no way succeeded in doing so. The Member's attitude, as expressed by himself, was that nobody has told him that this is a serious problem and that his advisors feel that the problem is not growing that fast.

What I am saying here would shock that Member if he were to look at this recent report which was done for the Government called "Enhancing Caymanian Families Youth Services Review". This shows that in 1990, 2,821 cases were reported, that is, cases of juveniles involved in crimes. This is found on page 7 of this report. What is alarming to me is that this 2,821 cases is more than double what it was six years ago when the number of reported cases was 1,367, a large number even then.

So, how can the Government argue that there is no cause for alarm in juvenile crime and no cause for alarm in the behaviour of children at school whether it be five per cent or one per cent? The truth of the matter is that it is fast getting out of hand but the Member's attitude to this problem remains true to form and shows that he does not care at all for the welfare of the youth in this country.

Whether my good friends on this side have applied the correct terminology to the title of this individual or not is a matter as the Member for Cayman Brac said, of pure semantics. It is time that the Government stop patting itself on the back for having done nothing, buckle down and start assuming, in the little time which is allotted to them to attend to serious problems which their policies helped not only to create but to increase because there is a steady upward increase in the number of reported juvenile crimes and a steady upward increase in instances of bad behaviour at the schools.

give it my full support.

I compliment the two Members who brought this motion and will

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I support this motion. I think this motion is extremely important because over the recent years we have seen a deterioration in the behaviour patterns of children within the schools and also outside of the schools. The position has been the focus of many articles in the two newspapers. It has been the focus of questions in this House yet the pattern seems to continue on where the problem is getting greater each year.

I do not believe that it is good enough for the Member for Education to sit back and say we do not have a problem with behaviour in schools or we do not have a problem which has increased over the years because this is just not facing up to reality. It is of no use pushing this problem under the carpet and hoping that because in nine or 10 months it will not be his problem, that it is going to go away.

Whoever has the responsibility in this area has to tackle this

problem and deal effectively with it. His answer this morning which I asked supplementaries on, showed very clearly the alarmingly high number of suspensions and expulsions from the Middle and High School. Some 48 in four months in the High School and some 14 suspensions with no expulsions in the Middle School. Whether he regards them as worrying figures or not, these are worrying figures. They are some fathers' and mothers' child. While there may be fault on the part of parents, it does not mean that the problem cannot be tackled more effectively by the Portfolio for Education and also by the Portfolio for Health and Social Services.

I would have thought that the Member would have welcomed a call by the Backbench for a further psychologist to deal with this. Believe me, the money that is being wasted in other areas on other consultants by the millions of dollars, the few thousand that would be spent on this would have to be money well spent. It must take long periods of consultation and work by a psychologist on a child before he can begin to analyse and deal with whatever problems a child may have. Therefore, I would think that one or two psychologists have to be very stretched, from the point of view of being overworked, when dealing with the large number of students and other children that there are.

I believe if the Member for Education would accept that if we can correct the child's problem at as young an age as possible, the chances of that child living a normal life throughout his school age and adulthood have to be greatly increased. I am very surprised that when there are good motions being put to Government it seems that because a Backbencher is putting it Government's immediate reaction is, no. We just stayed and we have approved the two or three measures that Government so far has brought and we support Government when they are right but I wish they would try to get to a stage where when there is a good motion or a good matter before this House that they try to take a constructive approach and think of the country rather than worrying perhaps about who thought about the idea first.

I would hope that the Government would change its view and (even if they have the two psychologists now) add perhaps another one or two who have specialities in the area of the behavioural problems of children and juveniles. I, therefore, ask the Member not to try to sweep this under the table because his answer this morning clearly showed that Government and this country does have a problem. I think that we have to shoulder our responsibilities and try to assist as many youth and juveniles as possible into overcoming their behavioural problems. That, I submit, is the duty of the Member for Education and also the duty of the Member for Health and Social Services.

Thank you.

**MADAM SPEAKER:**  
the Motion wish to conclude?

No other Member wishes to speak? (pause) Would the Mover of

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Madam Speaker, it seems like the task of the Backbenchers is like that of Sisyphus. In the Greek legends Sisyphus angered the Gods and his curse was to roll a stone up a hill. Every time he got the stone part way up the hill he would automatically lose control and the stone would tumble back to the foot of the hill and Sisyphus had to repeat his task for the rest of his life.

The Member specifically stated that this motion is unnecessary in application. But I wonder, how in all good conscience the Member could have stood up here this morning and said that knowing that from those very lips came these kinds of replies that students were suspended in 1989 and 1990 for such disruptive behaviours as threatening a teacher, possessing a dangerous weapon, biting and kicking other students, using obscene language and possession of a weapon; continual bullying, drinking alcohol on the morning school bus, vandalism, for example setting off fire alarms and breaking glass, sexual attack on a girl, writing abusive graffiti, abuse and threat to teachers, persistent misbehaviour and disruption; and more recently just this morning between September 1991 and January 1992 51 suspension arising from such serious disruptive behaviours as possession of a knife, fighting, physical abuse to members of staff, endangering the safety of other students, repeated rudeness and disruptive behaviour towards teachers?

Madam Speaker, if, as the result of what I have just read out, this motion is unnecessary in application I can only shake my head and say, "It is no wonder that we are losing the war in trying to educate our young people."

Just recently we read of three students being expelled from school. Madam Speaker, my question is and I received communication to the effect that at least in one case that student had a history of continuous violent behaviour, where was the clinical psychologist that the Member said he has on staff at that time? Why were some things not done before that behaviour reached such severe levels? Or was it because these students are from parents whose backgrounds are humble? Was it because someone suggested that they should not get an education? Was it because someone suggested that the powers that be should not strive with these students?

What happens to a 14 year-old deprived of an education because his behaviour was deemed too disruptive to be handled by the school authorities? That is what a behavioural psychologist is geared to cope with. It does not matter how many times the Honourable Member tries to make me look stupid, tries to make me look unlearned, I say that there are people called behavioural psychologists because I know at least one. As a matter of fact that person read that story of the expulsions and came to express his concern to me.

It is the age-old story of political one-upmanship, especially in this election year. We on this side of the House, when we move these kinds of motions, are not motivated by political mileage because our records can stand by themselves. The Mover and Seconder of this motion were both school teachers. We know what we are talking about and we know from the answers that we were given to questions like that recited by the Member this morning, that there is a need. There is a need, Madam Speaker, because an Alternative Education Programme hinges on the work of the behavioural psychologist in counselling,

assessing and monitoring the students in the programme.

I can only say in all candor, I brought the motion to fill a need that I thought was glaring. I brought the motion because I believe that the procurement of the services of these kinds of people could only compliment the existing services we have in our education system and I brought the motion because I think it could help some of these children who exhibit these kinds of disruptive behaviours.

You see, Madam Speaker, the Jeffrey Dahmers and all the other psychopaths and sociopaths did not just spring up. They resulted from cumulative experiences and from them going untreated and ignored. Maybe some people will be fortunate that they will be locked in ivory towers far and away from these children when they have grown up with these kinds of aggressive patterns with no remedy and no counselling and the rest of us, lesser mortals, will be left to be preyed upon.

Madam Speaker, I am not deterred. I will retreat and try again perhaps at some more congenial time.

Thank you.

**MADAM SPEAKER:**

The question before the House is that Private Member's Motion No. 2/92; Be it therefore resolved that Government investigate the necessity of obtaining the services of a child behavioural psychologist specializing in childhood and juvenile behaviour disorders. I shall put the question.

**QUESTION PUT: AYES AND NOES**

**HON. BENSON O. EBANKS:**

Could I have a Division, please?

**MADAM SPEAKER:**

Certainly, you may.

**DIVISION NO. 1/92**

**Ayes: 7**

Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr  
Mr. Truman Bodden  
Mr. Gilbert A. McLean  
Mr. Roy Bodden  
Mr. G. Haig Bodden  
Mr. John B. McLean

**Noes: 8**

Hon. Thomas C. Jefferson  
Hon. Richard Ground  
Hon. J. Lemuel Hurlston  
Hon. Norman Bodden  
Hon. Benson O. Ebanks  
Hon. D. Ezzard Miller  
Hon. Linford A. Pierson  
Capt. Mabry S. Kirkconnell

**NEGATIVED BY MAJORITY:**

**PRIVATE MEMBER'S MOTION NO. 2/92 DEFEATED.**

**MADAM SPEAKER:**

Elected Member for West Bay.

The next item is Private Member's Motion No. 1/92, the First

**PRIVATE MEMBER'S MOTION NO. 1/92  
EMPLOYMENT OF EFFECTIVE GOVERNMENTAL AND JUDICIAL CONTROL OF DRUG USE  
AND REHABILITATION OF OFFENDERS IN THE CAYMAN ISLANDS**

**MR. W. McKEEVA BUSH:**

standing in my name which reads as follows:

Madam Speaker, I beg to move Private Member's Motion

"WHEREAS drug usage has been on the increase;

AND WHEREAS it has been proven that imprisonment for repeat offenders has not shown to be a deterrent;

AND WHEREAS there is continued concern in regard to the overcrowding at Northward Prison;

AND WHEREAS a large percentage of the prison population consists of repeat offenders convicted for the consumption of drugs under the urine test;

AND WHEREAS the Honourable Chief Justice has questioned the efficacy of sentences passed on persons for repeat drug consumption offences;

AND WHEREAS it has proven expensive to send drug users overseas for treatment;

AND WHEREAS the Drug Advisory Council has not met for the past year and can be considered to be ineffective;

BE IT THEREFORE RESOLVED THAT Government take immediate steps to empower the Courts to order drug users to a proper Drug Rehabilitation Institution rather than a term at Northward Prison;

AND BE IT THEREFORE RESOLVED THAT Government consider making immediate provision for the building of a Drug Rehabilitation Centre in the Cayman Islands;

AND BE IT FURTHER RESOLVED THAT Government take an in-depth look at the present practice of convicting under the urine test to see whether this has been effective in the fight against drug use in the Cayman Islands;

AND BE IT FURTHER RESOLVED THAT Government take immediate steps to reinstitute the Drug Advisory Council and to formulate it into a statutory body for its effective functioning."

**MR. JOHN D. JEFFERSON, JR.:**

Madam Speaker, I am pleased to second the motion.

**MADAM SPEAKER:**

The question is, Private Member's Motion No. 1/92, Employment of Effective Governmental and Judicial Control of Drug Use and Rehabilitation of Offenders in the Cayman Islands, as presented by the Mover.

The motion is open for debate.

**MR. W. McKEEVA BUSH:**

Madam Speaker, I consider that the recommendations as set out in this motion is of the utmost importance if these Islands are going to put a dent in the serious problem facing us, the problem of drug abuse and its attendant social deterioration.

This country is well aware that drug abuse has not abated. In fact, it has increased very dramatically since 1989.

Those of us who are faced with this scourge in our districts see it as we go about the community. We experience it because of the many cases before the Juvenile Court and the lower Courts and we experience it from other groups. We experience it from parents, and we experience it from individuals. This motion is about doing something and taking positive action to try and save our young people who should be the leaders of the future.

I am deeply concerned with the distressing social and legal consequences, medical consequences and physical consequences which fall on users and their families which affect the lives of our young people. For years and since 1984 Government has been blowing hot and cold on the subject of rehabilitation. Madam Speaker, the Hansards in front of me are full of speeches by the present Member and the Member before him promising proper rehabilitation programmes and facilities.

Certainly, since the present Member is trying to say that we are talking about four cement walls, we want this Honourable House to understand that when we speak of a rehabilitation centre we are definitely talking about programmes, not just a building. For, unlike the Members on the Executive Council, we believe that no building alone, regardless of how grand it is, how much it costs, or how much we have to fight to get that particular programme through, can solve the problems we face. There must be programmes, positive programmes and long term programmes. But having made those speeches, those Members vacillated in their policies, both of them. At one time they agreed with and were going to build a rehabilitation centre.

I have a motion in front of me moved by myself and seconded by the Elected Member for North Side dated 20th August, 1985, calling for Government to set up a Committee to make recommendation for the establishment of a Government-sponsored drug rehabilitation facility in these Islands. Madam Speaker, they once pushed for this rehabilitation centre and then another time they were not concerned about it, it was not the right thing and they were not going to build the centre. Then they pushed the idea of a halfway house as that then was the fashionable thing. That was what was making the headlines and causing statements to be made in the House, "We need a halfway house".

Money was placed in the Departmental Estimates and after much talk about a halfway house, they changed their minds. We heard from them that they were not sure that a halfway house was what was needed. In recent times the halfway house idea was shelved again.

Madam Speaker, it is because of this wavering that the drug policies in these Islands are in shambles and have not proven to be productive? Today I am not too sure what is Government's policy but of one thing I am certain, and that is, that the situation of the misuse of drugs and the resulting social deterioration from what little is being done is a national disgrace. A national disaster! The range of services currently provided for the treatment and rehabilitation of drug users has shown but very little success, not because people are addicts and cannot be cured as the Member for Health says. There is no success because the Member is misguided and headstrong.

Madam Speaker, informed study by the Drug Advisory Council in the United Kingdom on the Misuse of Drugs has shown that persons who receive care improve considerably their chances of quitting drug misuse over those who receive no care. This is not my study, this is a study by the Drug Advisory Council in the United Kingdom. We say that we need to empower the Courts to order drug users, especially repeat users, to rehabilitation. We say that Government must provide a local facility where those drug users can have in-patient treatment, where treatment in a more structured service can be administered in a drug free environment where they leave the drug scene and alter the course of their lives; a centre where part of the therapy would be the assessment of a resident dependent upon their work, attitudes and behavior; where responsibility is placed on the resident both for the difficulties he has experienced and for achieving changes within himself; where a variety of group techniques allow residents and staff to confront each other and these would include groups with encounter sensitivity, social skills and so on.

I believe that within those groups there could be strong

emphasis on challenging attitudes and behaviour which is unsocial and self-destructive while encouraging positive approaches to assist in living without the use of drugs. I believe that the peer group pressure exerted by other residents both in the groups and perhaps work teams if these are developed as part of a programme supported by staff members, reinforces the development of new and socially acceptable ways of behaving in preparation for living independently.

We heard from the Member that we have a centre, a centre which I will deal with later on, but it is not effective when it comes to rehabilitation because it is not doing that right now. The United Kingdom Drug Advisory Council has found that for those who complete the residential period there is in such centres a high success rate and indications that those who remain in residence for over six months gain considerably from their period of residence. I believe, Madam Speaker, that this is a sort of curative approach which is needed in these Islands. Surely what is needed is a long term response which can bring about enduring change in the users' behaviour.

Madam Speaker, while I say the Government's policy on drugs is in shambles, I do not belittle the efforts made for instance, at the Counselling Centre. The Centre serves a very useful purpose in that it is doing several kinds of counselling dealing with family problems such as marriage counselling and incest. This is needed in the country because the individual who is on drugs can and does have various problems that cause or arise from the misuse of drugs. Those problems are not solely physical or psychological problems but are also social and environmental.

For instance, a person who is on ganja, cocaine and alcohol may have a range of problems being concurrently psychologically dependent on some drugs and physically dependent on others and at the same time having other difficulties in their lives. So, I very well recognise that the response to the needs of the misuser, therefore, requires a fully, multi-disciplinary approach.

Today there is much need for reassessment of what is presently happening in this country as regards treatment and rehabilitation. I say this because this Government is woefully lacking in that area. As of now and since August last year, there is no running treatment programme for addicts because the post of a drug counsellor has been vacant. How can you have an effective treatment of the misuse of drugs if there is no counsellor? Persons are seen at the Centre on a one-to-one basis right now but there is no programme. The young man that is there is trying to do a good job. As I understand it he is not certified by American standards and surely the other trainees cannot fill the delicate need regardless of how much goodwill they possess. There has to be those trained and experienced.

Madam Speaker, if what I am saying here is not true, this comes directly from the people at the Counselling Centre. You hear the Member denying and forming excuses about the vacancy of a drug counsellor but by God you want to tell me that from August last year he could not have had the post filled? I mean they do everything that they want to do. They blame the Public Service Commission. Of course, they have to find somebody to blame. It leaves me to say that there is no real commitment to rehabilitation. There is no real programme and there is no real commitment to the abuse of drugs.

Madam Speaker, the statistics tell us that at the Counselling Centre there were actually only 83 persons seen in 1991 who were users, four in the age bracket of 19 years; 34 in the 20-29 age bracket; 33 in the 30-39 age bracket; and 12 in the 40+ age bracket. We must bear in mind that out of the 83 persons there were people addicted to alcohol not ganja or cocaine alone. So we can see that the policy is lacking because these is a lesser amount than what was seen in 1990 when they had six in the age 19 bracket; 38 in the 20-29 age bracket; 32 in the 30-39 age bracket; and 20 in the 40+ age bracket.

Madam Speaker, if the crime statistics linked to drugs were down then we might say overall the use of drugs is abating and the Centre is effective but this is not so. For the past three years the figures nationally have risen dramatically. Reports from the police tell us that in 1989 there were 332 cases involving consumption. Users, not to mention importers and suppliers, users we are dealing with, they tell us that in 1990 there were 473 cases of consumption; people or young persons who use or are addicted to cocaine and ganja. In 1991 there were 675 cases of people who were on or are addicted to ganja and cocaine. Three years of solid growth in these sordid figures.

Madam Speaker, do you realise how much waste there is to this country in terms of production, loss of manpower and financial loss that exists in these cases, not to mention the pure hurt to parents and loved ones? These are all cases of young people on cocaine and ganja. I say, Madam Speaker, that I hope the Attorney General is listening because their drug policy is not working. Yet, you hear them say that it is a waste of money to establish a rehabilitation centre locally. Well, let us look at how many persons went abroad for rehabilitative in-patient treatment.

Between April 1989 and April 1990, 18 persons went overseas, 14 were male and 5 were females, 14 were Caymanian, two were North American and two were from the United Kingdom. The Government covered the cost of nine people, four others were covered by insurance and the remaining five were privately funded. For the year 1991 six persons went overseas for rehabilitative in-patient treatment. Our Government did not pay for any. It did not cost them one single dime to send these people overseas.

Six out of 675 cases of persons who are on or addicted to ganja and cocaine. Six out of 675! Yet, you have those know-it-alls coming here and telling you that they are not going to build a centre because they cannot be cured. But this is why they are not being sent abroad because there is that inherent belief that they cannot be cured. Then if they cannot be cured, what are we doing with trainees? Who are the trainees at the Counselling Centre, are they but people who were hooked on something before? I was shocked to hear the Member come with this foolishness and boisterousness as if nothing is happening.

**MADAM SPEAKER:**

Honourable Member would you like to take a rest now?

**MR. W. McKEEVA BUSH:**

Thank you, very much.

**MADAM SPEAKER:**

We will suspend for 15 minutes.

**AT 3:55 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:16 P.M.**

**MADAM SPEAKER:**

Please be seated. The First Elected Member for West Bay continuing the Debate on Private Member's Motion No. 1/92.

**MR. W. McKEEVA BUSH:**

Madam Speaker, when we look at the few people who attended the Counselling Centre the users as against the hundreds of cases of cocaine and ganja addiction in comparison to the pitifully small amount who went overseas for in-patient rehabilitation treatment, I say the Government is doing nothing to reach those people who need to be reached. There is no serious commitment to a drug free Cayman by the Government.

It baffles me to hear the Member say that he will not provide a local facility. Certainly we know it will cost money but how much money have we spent on matters of lesser significance? In one year alone it was nigh onto \$1 million for heavy equipment. There has been something like over \$4 million for consultants. We cannot measure the life of one person as against some money spent to save a whole generation. The Member talks about this generation which he cannot do anything with, but to save our future leaders, children and grandchildren this money would be well spent. We must have a local facility.

Madam Speaker, you know none of our children might be involved, they might be untouched now, but I keep saying that we do not know what they will do in our absence. I have to wonder when the Member says that he is not going to build four cement walls, I agree with him. What I want is the four walls whether they be cement, wood or something else, plus the programmes and the staff to run the programmes. His policy is to send people off to Hazelden. Is it because there are only a few people that he is saying who are going abroad the reasons why he does not want to build a centre?

Madam Speaker, I, too, am scared that when the Court will be able to sentence someone to a rehabilitation centre you are going to find that there are hundreds. Yes, that will mean some recurrent expenditure but they are the future of this country. I see young men today who I know have all the potential in the world to be very productive persons, fall by the wayside. There is no effort district-wise. As a representative I can talk to them, a few other concerned people can talk to them but that is not enough. I have one hired but he has to leave his job sometimes when we are out of town to try to get a ride home. He did not have a car, he lived in West Bay, and he had to get back up to the Counselling Centre by 5:00 p.m. Madam Speaker, do you think that person is being treated, much less being cured? I say, no. The person is back to where he was.

If they can tell me how many people came out of the Centre who are better off today, I might withdraw the motion. If they can tell me the people that they have sent abroad for three or four weeks to Hazelden or some place else has had any positive effect, you do not cure that kind of sickness in three weeks. The Member admits that it is like a diabetes. This is what he says, you have to keep treating it. Well, by the same token that he wants a large hospital, should we not have this sort of facility? No, Madam Speaker.

When I supported him and he supposedly supported me he was quick to second this motion. Now I stand opposite and the Member is being guided by some people in Hazelden. Somebody said they had a change of heart. Well, sometimes I think they do not have any heart to change. If we only had 10 or 15 or even 50 people who were addicts, who were repeat offenders, then perhaps it might be the wisest thing to send those persons overseas. It might be cost effective, not that other areas would be positive, but it might be cost effective. But we know that we have had last year 675 cases.

In England it is reported that the majority of rehabilitation agencies are concentrated in the south-east of England. Their experience is that while a number of people from other areas are referred to the rehabilitation centre in the south-east, it is an unsatisfactory arrangement. The difficulties which are being encountered include the separation of the individual from his cultural roots, the unsatisfactory completion of referral procedures, readily accessible support when a referral breaks down and financial problems for the individual. Of course, this is experienced in the United Kingdom.

Now, Madam Speaker, if these kinds of problems can exist within a given country, how much more will they exist when you have to deal with centres in another country thousands of miles away with a different culture, where your stay is short and you are sent back to the same environment? If we are going to do something, if we are really going to attempt rehabilitation, we need in-patient treatment facilities in this country. The four Members over there should be jumping on the band-wagon. What is going on in this country must stop. They come here talking about their easing up on a person with two ounces of "dope". I would like to ask the Member for Education, is this their answer to our serious plight of drug addiction?

What it is, is an election year gimmick for the re-election chances for the Member for Education in West Bay. Scraping the barrel. The answer is not to make two ounces more readily accessible but a safe future is dependent on what kind of education prevention and rehabilitation we offer and how deep is our commitment to it rather than to come here in an election year talking about having people not going to jail. But are you helping them to be rehabilitated? That is the question. Are we helping our young people to be rehabilitated rather than to talk about going to Court for two ounces?

**MOMENT OF INTERRUPTION - 4:30 P.M.**

**STANDING ORDER 10(2)**

**MADAM SPEAKER:** It is now 4:30 p.m. Honourable Member are you going to finish in the next couple of minutes or do you need a longer time?  
I will therefore ask for a motion for the adjournment.

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

**MADAM SPEAKER:** The question is that this Honourable House do now adjourn until 10:00 o'clock tomorrow morning. I shall put the question.

**QUESTION PUT: AGREED.**

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
FRIDAY, 21ST FEBRUARY, 1992.**

**FRIDAY,  
21ST FEBRUARY, 1992  
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 to Honourable Members No. 25, the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 25:** Would the Honourable Member outline to this Honourable House the basis for overtime payment to eligible personnel at Northward Prison?

**ANSWER:** Overtime is incurred and paid only on the basis of operational necessity and to maintain acceptable manning levels.

The following areas normally incur a need for some overtime cover: Sick Leave; Staff Sickness; Training; Court Escorts/Productions; Overseas Escorts; Hospital Bed Watches; Funeral Escorts; Full Staff Meetings; Ceremonial Parades; Operational Emergencies.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Supplementary the Elected Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker, I wonder if the Member could say the duties which he has outlined to us demands that a secretary be at Northward Prison to accumulate hours over that of her normal salary?

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, could the Honourable Member rephrase that question so that I understand the thrust of it?

**MR. JOHN B. McLEAN:**

Madam Speaker, I would like to find out from the Member if, from the various duties he has outlined to the House, is it necessary for a secretary to be present at the Northward Prison to accumulate overtime?

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, I am not sure what grade Officers are required to perform some of these duties. It may be that depending on the nature of the operation or the emergency, that some secretarial assistance may be necessary on an overtime basis but I am not sure if the Member is referring to anything in specific.



- MADAM SPEAKER:** Supplementary the Elected Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker, I wonder if the Member could say if it is normal procedure for a secretary to be at Northward Prison at odd hours or is it normally from 8:30 to 5 o'clock?
- HON. J. LEMUEL HURLSTON:** The normal hours are 8:30 to 5:00. I can confirm that, Madam Speaker.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Could the Member say if he is aware of any cases where the secretary has or should be at Northward Prison after the hours he has confirmed?
- HON. J. LEMUEL HURLSTON:** Yes, I thought I had mentioned earlier that there will be occasions when assistance will be required outside normal working hours and therefore occasionally it will become necessary, yes.
- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Madam Speaker, is the Member able to give us an idea of how much money is expended each month for overtime at the prison?
- HON. J. LEMUEL HURLSTON:** No, Madam Speaker, but my recollection is that the annual expenditure on overtime at the prison is in the vicinity of \$200,000 per annum.
- MADAM SPEAKER:** The next question is No. 26 standing in the name of the Elected Member for East End.
- THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS**
- NO. 26:** Would the Honourable Member say what rank of personnel are on duty at the Northward Prison after regular hours?
- ANSWER:** For reasons of security, and in accordance with Standing Order 23(4), I wish to decline to answer this question. I am, however, prepared to discuss the matter with the Honourable Member.
- MADAM SPEAKER:** The next question is No. 27, standing in the name of the Elected Member for East End.
- THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS**
- NO. 27:** Would the Honourable Member state which officer has the responsibility for and access to the purchase order books at the Northward Prison?
- ANSWER:** The Prison Director is ultimately responsible for all purchases. The Director, Deputy Director and the Higher Executive Officer (Accounts) have authorised access to the purchase order books and are the authorised signatories.
- SUPPLEMENTARIES:**
- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say how many order books at any one time are in use at the Prison?
- HON. J. LEMUEL HURLSTON:** No, Madam Speaker, but the department is operated like any other large department of Government with a number of cost centres and it would seem logical to expect that each cost centre would have its own set of invoice records. There are a number of centres, I do not have the details and I do not wish to guess as to the actual number of cost centres but there would be possibly a number of books being operated simultaneously.
- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say on completion of one of these purchase order books, are they kept in a safe place and are they then turned over to perhaps auditors to make sure that the purchases that were done on them were actually received by Government?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, all accounting records are kept safely and are subject to audit, both internal audit, departmental audit as well as audit by the Auditor General's office and these records have to be produced for those purposes.

**MADAM SPEAKER:** The next question is No. 28 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 TOURISM, AVIATION AND TRADE**

**NO. 28:** What is the estimated contribution of a tourist arriving by cruise ship as against a tourist arriving by air?

**ANSWER:** Based upon surveys conducted at the airport and cruise ship landing, and data tabulated by the Statistics Unit of Government, the estimated visitor expenditure is as follows: Visitors by cruise ship \$47.00; Visitors by air \$1,015.00.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Third Elected for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member say whether Government's policy is geared substantially towards bringing in visitors by air?

**HON. W. NORMAN BODDEN:** That is correct, our policy and our thrust of our marketing sales effort is to increase as much as possible, the arrivals by air.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say if he has made any effort to determine why the contribution by the cruise ship passenger is so small?

**HON. W. NORMAN BODDEN:** Madam Speaker, this has been discussed with some of the operators and some people handling the cruise ship media as well. They have said that a wider variety of Duty Free shopping than is available in the Cayman Islands might attract a larger expenditure by the cruise ship visitors who only come here for the day.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Taking into consideration the estimated contribution by the visitors from ship what is Government doing to assist these individuals when visiting our tourist related sites on the Island to make sure that they are catered to properly?

**HON. W. NORMAN BODDEN:** Madam Speaker, Government attempts to provide, through our Department of Tourism Information Centre at the cruise ship dock, all available information for visitors. Few of them make their choices after arriving here. The majority of them arrive with a pre-packaged tour and they have their plans in place before arriving whether they are going to do a tour of the Island or whether they are going to go to one of the hotels for the barbecue that has been arranged. Government does not get involved in planning for the cruise ship visitors what they will do once they are on the Island.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us if he is aware that there are certain hoteliers on the Island who are disgruntle with the influx of cruise ship passengers to their premises and what in his estimation can be done from the Government to assist this problem?

**HON. W. NORMAN BODDEN:** Madam Speaker, I am not aware that there are hoteliers that are disgruntle. I am aware that there are hoteliers who have assisted and encouraged our cruise ship passengers to their properties over the years by providing changing rooms and facilities of that nature. There is one hotel that I am aware of that has contacted the cruise ship operators and informed them that they would not be in a position to continue to allow large numbers of their cruise ship passengers to be off-loaded at their particular property.

However, they gave them an option that they would be willing to provide a beach barbecue and to make chairs and towels available to their visitors if they were inclined to make that arrangement with the property.

I believe that there is a need for increased facilities to cater to the cruise ship passengers and there have been enquiries from members in the private sector. This matter has been discussed and I expect that there will be some moves from individuals in the private sector who will set up a business that will cater, to some extent, to some of these cruise ship visitors.

The only thing that Government would have that would help to

alleviate the situation is the Public Beach. I know that there were requests many years ago and recently again, but I think there is a certain reluctance to allow that to be used solely for that purpose because of complaints that you would get from the public, for which that beach was originally provided.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you. A couple of years ago the Government placed a moratorium on hotels and thus on visitors by air. Would the Member say whether that policy has been reviewed, having regard to the fact that the restriction was indirectly put on the visitors by air who contribute a very large amount and no apparent restriction on cruise ships which have produced many, many times more tourists and far less dollars?

**HON. W. NORMAN BODDEN:**

Madam Speaker, the Member knows very well that the moratorium that Government placed on new hotel construction was totally in the Seven Mile Beach area, and in order to encourage development of hotels in all other parts of the Island total exemption of duty was allowed so there was no attempt to place any moratorium on visitors arriving by air and the Member knows this.

Anyway, I think the complaint that is sometimes made at the present time for example and even in 1991, is not that we needed more hotels but in truth and in fact we have almost too many hotel rooms. So there has been nothing done by Government to discourage the increased arrivals by air and I think the Member is well aware of this.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. As a follow-up to what I was saying concerning disgruntle hoteliers, I will be asking a question. This is a fact, and although it has not reached the ears of the Member as yet, I am going to ask if he could undertake to this Honourable House to perhaps get his Department of Tourism to investigate it and to try to do something before this mushrooms into something that we do not need in our tourist industry?

**HON. W. NORMAN BODDEN:**

Madam Speaker, could I ask the Member for East End if he would repeat that, I am not sure what he wants me to get the Department of Tourism to investigate?

**MR. JOHN B. McLEAN:**

Sure, Madam Speaker, when I started my question I said I was continuing on what I had mentioned about disgruntle hoteliers with regard to the tourist traffic from the tourist ships. What I am asking is for an undertaking from you to have your Tourist Department investigate the situation with regard to the disgruntle hoteliers who are asking that the tourists not come to their premises for various reasons.

**HON. W. NORMAN BODDEN:**

Madam Speaker, in fact I think I said I am aware of a situation which exists at one of the hotels at the Seven Mile Beach area. However, I, at the Member's request, will ask the Department of Tourism to check to see whether this situation also exists at other hotels or not. I think there is really some responsibility on the cruise ship operators to make adequate arrangements for the people that they bring here as well because most of those hotels are willing to do business with the cruise ship operators but there has to be something in it for them as well. There is in place at the present time an arrangement with the Beach Club, for example.

In connection with the cruise ship visitors, I would like to make the point simply because there has been quite a bit of this in the press as to what Government should do and should not do. Government, in fact, many years ago put in place a policy that we would only accept three cruise ships per day because there were three established locations for anchorage, if you can use the word, places for them to anchor. What has caused the large increase for example in 1991, is the fact that the cruise ships have become much larger.

While we are still as a policy only allowing three, the numbers have increased substantially and I would say here that those cruise ship passengers for example, in 1990 contributed some \$17 million to our economy based on the statistics I have. The 475,000 that arrived in 1991 would have contributed \$24 million but over and above that, the big contribution that the cruise ship passengers in my estimation make to this country is that it gives the Cayman Islands an advertising value and an exposure which we could not afford under other circumstances. I think that the value that they make to the country cannot be only assessed on this small figure of CI\$47.

**MADAM SPEAKER:**

Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

in the questions of the last speaker.

Madam Speaker, the question I was going to ask was covered

**MADAM SPEAKER:**

Elected Member for Cayman Brac and Little Cayman.

The next question is No. 29, standing in the name of the Second

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THE**

**ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**

**NO. 29:** Would the Honourable Member say if the Health Authority has granted permission to any doctors to practice privately who were, prior to the coming into effect of the Health Authority, employed full-time by Government?

**ANSWER:** The Health Services Authority has not granted permission to any doctors to practice privately.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Would the Member say why has this not been done since in times prior to this the Member has indicated that with the coming into effect of the Health Authority, doctors would be allowed such an opportunity?

**HON. D. EZZARD MILLER:** Most of it has to do with the doctors wanting to continue with their present contracts under which they were seconded. At the time of their contract renewal we will offer them contracts on a sessional basis and a session is defined as when they are running an out-patient clinic, as a three hour session or being on call, a 12 hour session. Once they have completed our sessions they will then be free to work in the private sector if they so desire.

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

**MR. GILBERT A. McLEAN:** For lack of a better word, will these "Government doctors", be ensured that they will be offered sufficient work with the Health Authority so that they will earn at least the same amount they were earning under their present contract?

**HON. D. EZZARD MILLER:** Yes, on a practical sense what will happen is that we will divide the number of hours they now work per year by their salary and divide it into three hour sessionals. They will then get the same quantum of salary from the Health Services Authority but instead of being on call for three or four days we will involve other private sector physicians in sessional coverage on call to give those doctors some time off.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker.  
Has the Health Authority formally advised the Caymanian Protection Board of this condition which may be coming about so that they can put in place the necessary mechanisms to deal with future applications from Government doctors to work privately?

**HON. D. EZZARD MILLER:** The Health Authority is not likely to get involved with getting permission for those doctors from the Protection Board to practice in private. They will have to do that on their own. The first on-call contract will be for the sessionals at the Hospital. A good example, for instance right now we only have on staff at the Hospital one Board Certified Anesthetist. He is theoretically on-call 24 hours a day, seven days a week. There is a likelihood that one or two might come to work in the private sector and we would be able to contract with that member of the private sector to do some of those on-call sessions and then this guy will do some of the others. So the doctor can get a break.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Is it not the position that all doctors who now wish to practice at the Hospital will be coming under part-time control of the Health Services Authority?

**HON. D. EZZARD MILLER:** Not really, they will be under the control of the Medical Staff Association in terms of 1) what they are privileged or credentialed to do. As an example, a Board Certified Surgeon will be privileged to do surgery, not to do orthopaedics or gynecology or obstetrics. So the only thing the Health Authority will do is we will allow them access once they are privileged and credentialed by the Medical Staff which is made up entirely of the medical staff including those who wish to be privileged and credentialed. There is a sub-committee, I think I circulated to Members a copy of the Medical Staff Association Rules some months ago.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Is it not a fact that the Medical Health Authority employs the medical staff who control the doctors in that area? So indirectly you are back to square one.

**HON. D. EZZARD MILLER:** No, Madam Speaker, there are members on the Executive of the Medical Staff Association who are not employed by the Health Services Authority.

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

**MR. GILBERT A. McLEAN:** Just a follow up on the last question I asked. I was not trying to imply that the Health Authority would be looking after the situation with the doctor getting employment other than with the Health Authority. What I was asking was, has any formal communication gone from the Health Authority to the Protection Board because there may be instances where Government doctors might be applying for a right to practice in the private sector and so that the Protection Board might make arrangements to deal with it, if indeed such happens?

**HON. D. EZZARD MILLER:** No such communication has gone yet because the event has not arose but I will agree that it would be a good idea to inform the Protection Board of the likelihood but we would not be advocating or supporting the decision one way or the other.

**MADAM SPEAKER:** The next question No. 30, 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 ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**

**NO. 30:** Would the Honourable Member say whether any salary changes have been made to existing jobs at the hospital since the Health Authority came into effect?

**ANSWER:** The salary scales being used by the Health Services Authority are the same as Government's salary scales.

When seconded employees, who were seconded on a specific post, are occupying on a temporary or long-term basis a vacant Health Services Authority post, which is more senior, acting allowances were approved by the Board according to accepted practice.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Is the Member telling the House that the salary scales that are set or are being used by the Health Authority are the same as the Government salary scales and it is the intention that they should be remained so classified and graded?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker.

**MADAM SPEAKER:** Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Has there been any appointments within the Health Authority, say in new posts which the Authority has deemed necessary to be created which attract salaries outside of scales that do not exist in the Government classifications?

**HON. D. EZZARD MILLER:** No.

**MADAM SPEAKER:** The next question is No. 31, 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 THE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**

**NO. 31:** Would the Honourable Member say what is the investigative procedure followed by the Health Services Authority when a patient accuses a doctor or a nurse of misconduct?

**ANSWER:** The Director of Patient Services is the person designated under the Health Authority to be the first contact for persons making a complaint. Serious complaints go through her to one or other of the following

- (1) if the alleged misconduct has taken place in the hospital, then the complainant will be directed by staff to the Hospital Administrator.
- (2) if it was in a district clinic, then the complainant would be directed by staff to the Director of Public Health.

In each case the procedure would be similar.

The Hospital Administrator (or the Director of Public Health) would take a verbal statement from the complainant and make an assessment as to whether the complainant was rational and whether the complaint was possible or impossible.

If the complaint was relating to a nurse, the Director of Nursing would be consulted if relating to a doctor, the Medical Director if relating to another member of staff, the appropriate senior manager.

The complainant would be encouraged to put the complaint in written form and to sign it. Any witnesses would also like written statements.

The Administrator/Director of Public Health would then quickly check the facts in the complaint - did records show the complainant and complainees were in the same place at the time in question, etcetera.

A meeting with the complainees in the presence of the President of the Medical Staff Association, or Nursing Director, or Personnel Director will occur to obtain a written rebuttal or otherwise of the complaint.

The Administrator then has to decide if the complaint is serious, and if a criminal action might have occurred.

At this point the Chief Executive Officer will be involved. In the case of a possible serious or criminal action he will be involved at once. In non-criminal cases at a later time. In the least serious by written notification.

The Chief Executive Officer will decide if the police should be informed in the case of an alleged criminal action, or in the case of an insistence by the complainant.

In the event that the police are not called, the Chief Executive Officer will order a complete enquiry with a report in writing being presented to him by a group made up of the Medical Director, Nursing Director and Personnel Director.

The results of the review will be reported to the complainant and to the Health Authority through the Patient Care Subcommittee.

#### **SUPPLEMENTARIES:**

**MADAM SPEAKER:** Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Madam Speaker, I appreciate the detailed reply from the Member, however by the length of it I was not able to follow naturally all of the points which it has raised. Could I just ask a question here in terms of an alleged misconduct by a doctor or a nurse which would have criminal implications, who would give the immediate response to whether that is a criminal action or a misconduct straightaway?

**HON. D. EZZARD MILLER:** If the complaint is of that serious a nature the Chief Executive Officer is involved immediately and he makes a decision of whether he thinks it is criminal and calls the police or not.

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

**MR. GILBERT A. McLEAN:** In such an instance, would the Chief Executive Officer take a statement from the two parties, the party complaining and the one being complained about before calling in the police?

**HON. D. EZZARD MILLER:** No, Madam Speaker, if it is of a serious nature he would call in the police and have them take the statements.

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

**MR. GILBERT A. McLEAN:** As the follow-up action of the Chief Executive Officer, would he later enquire into it for the purposes of departmental information or for his own assessment as a medical professional?

**HON. D. EZZARD MILLER:** Not once it is a police matter. He would then rely on the police to keep him informed as to the actions.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if it does not fall to what I would term the duty of the Chief Executive Officer to have some independent position as to what really happened with his nurse or his doctor within the Hospital setting, something that he could inform his other members of staff that occurred on this? Why would he rely solely on what the police who would be looking to find something wrong in the first instance?

**HON. D. EZZARD MILLER:** I think once the matter is turned over to the police, it has to be left in the hands of the police and we have to be very careful that we do not get involved and be accused of interference. And if it is a police matter then it is left in the hands of the police and if it goes on up the scale the Attorney General's chambers about charges on into the courts. If it is not of that serious of a matter, it is the sole responsibility of the Chief Executive Officer to deal with it but I would not suggest that it would be entirely correct for the Chief Executive Officer to carry on an investigation in parallel to the police just to inform staff.

**MADAM SPEAKER:** Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker.  
Would the Member enquire through legal authorities, or otherwise, because I think from an organisational point of view it is essential that the Chief Director of the Health Services Authority should have some independent basis from a non police point of view as to what has happened within the organisation when such incidents might occur for the assurance and reassurance of other staff members? To me that seems very important, would you give the House an undertaking to look into this and to find out if that would not be a proper thing to do? Otherwise staff might be very fearful in dealing with members of the public if they do not know that their chief person is prepared to look at their case and assure the others.

**HON. D. EZZARD MILLER:** Madam Speaker, I think the Chief Executive Officer has a responsibility to do that before he calls the police in the first place and I think he has to check out the complaint and the circumstances and what evidence is before him and make that decision before he calls the police. I think once he has decided that it is a serious enough matter to involve the police, he should withdraw and let the police do their work.

**MADAM SPEAKER:** The next question is No. 32, 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. 32:** Will the Honourable Member say:

- (a) the number of aircraft leased and proposed to be leased by Cayman Airways Limited since 1989;
- (b) the total current lease payments as well as the aggregate lease payments since October 1989 on these aircraft?

**ANSWER:** (a) Cayman Airways has leased a total of six aircraft since 1989 - three B737-400, one B737-300, and two B737-200.

One B737-400 was returned in December 1991. The second B737-400 is being returned this month.

One B737-300 is out of service and will be replaced.

This leaves the Company with four aircraft in operation.

- (b) The current lease payment for the month of February 1992 will be US\$924,750 and the aggregate lease repayments since October 1989 up to the end of February 1992, will total US\$19,414,677.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, may I ask the Member if this includes the lease of cargo planes as well?

**HON. W. NORMAN BODDEN:** No, Madam Speaker, I was dealing here usually with the long

term lease on passenger aircraft. This does not include the occasional lease of a cargo aircraft.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town

**MR. G. HAIG BODDEN:** I am wondering if he can let us know how many different aircraft have been leased for cargo as well as other temporary leases as we have heard about stand-by aircraft and all this, if he can let us know the full amount?

**HON. W. NORMAN BODDEN:** Madam Speaker, I do not have that information with me and I think I should make it clear that while I used the word lease awhile ago, that any aircraft operated by Cayman Airways in addition to those that I have just told the House in the substantive reply would be individual charters on a per flight basis. I could get that information if they require it for the same period that has been raised in the original question.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you.  
You have mentioned in this statement that the current lease payment for February will be \$924,750. How does this compare with when you were lease purchasing the 727-200s just a few years earlier?

**HON. W. NORMAN BODDEN:** I think if we compare the 727 aircraft that figure would probably have been about a third of what it is out of the \$924,750 for February this year.

**MADAM SPEAKER:** The next question is No. 33, 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. 33:** Will the Honourable Member indicate:
- (a) the number of places in the United States and other countries visited by him or members of his Portfolio since 1989 to observe similar services as within his Portfolio; and
  - (b) the number of programmes initiated in these Islands as a result of these visits?

**ANSWER:** In 1989, in connection with the National Drug Plan, the Portfolio visited the Hazelden Foundation in Centre City, Minnesota, and the Johnson Research Institute for drug education in Minneapolis.

In April of the same year we attended the PRIDE (Parents Research Institute for Drug Education) conference in Atlanta to get a better picture of how other countries were dealing with the problem.

During August of that same year we visited a community centre for drug rehabilitation and education and a residential drug rehabilitation centre in Boston.

While on trips in connection with other Portfolio matters we have always taken the opportunity to learn as much as possible and, in 1990, on a visit to Bermuda we visited their outpatient addiction centre and National Drug and Alcohol Agency.

During 1991 we visited an adolescent outpatient drug rehabilitation programme in Lexington, Kentucky.

Our National Drug Plan was tabled in this Honourable House in September 1989 and its implementation is ongoing.

While the Health Services was under review in 1989, the Portfolio visited Cranberry Medical Facility in Pittsburgh; the Austintown Health Care Centre in Ohio; the Erie Ambulatory Surgical Center and St Joseph Hospital in Erie, Pennsylvania; and St Francis Hospital in Pittsburgh.

In 1990 we visited the King Edward Memorial Hospital in Bermuda and the Hamilton district clinic.

In August of this year I also attended the 12th Meeting of Caribbean Health Ministers in Barbados. These visits resulted in our National Health Plan, our Health Services Authority and contributed to our knowledge of what we wanted in terms of a new hospital and other health service developments.

Our trip to Bermuda in 1990, together with a trip by the Principal Secretary in December 1991, resulted in the Portfolio deciding to follow the Bermuda model of health insurance, with some modifications, and the National Health Insurance bill is before this Honourable House this Meeting.



The Portfolio is very proud that the Cayman Islands is in the forefront of Health Promotion in this region. Our programme is a direct result of my attendance at a World Health Organisation conference in Bonn, Germany, in December 1990 where I also met Professor John Catford of the Welsh Health Promotion Authority.

The Portfolio also visited Wales in May 1991 and attended a week-long seminar. As a result of this, our own Health Promotion Programme was launched in 14th June, 1991, and our Health Promotion Council continues its monthly meetings and events to promote a healthier lifestyle in these Islands.

Planning for programmes for young people began in 1989 when members of the Portfolio and the Director of Social Services visited the juvenile treatment centres in Boston.

While in Bermuda in 1990, the Principal Secretary visited their Department of Social Services and toured a group home for boys. During 1991 the same team visited the Hope Hill group home in Kentucky and the Buckhill Home for emotionally disturbed children and a girls' correctional institute in Tennessee.

Also on this trip, the team visited five children's homes run by the Villages Inc of Topeka, Kansas, and met with the Villages officials. We also met the Executive Director of the National Resources for Children Foundation based in Oklahoma City.

As a result of these visits, a review of services to youth was proposed and carried out and implementation planning is in process.

During 1989 the Portfolio negotiated the Cleveland Clinic Tertiary care agreement in Cleveland, Ohio, and in 1992 held further meetings with the Cleveland Clinic, Florida, to refine the contract and add further services.

In 1992, while the first phase of the Solid Waste study was underway, the Portfolio and the Chief Environmental Health Officer visited the offices of the consultants Post, Buckley, and Shue in Orlando, Florida; reviewed applicable technologies and visited a solid waste management site and a recycling plant in Broward County.

As a result of my attendance at the World Ministerial Drug Summit in April 1990, the first Health Ministers of the British Dependent Territories Conference, focusing on drug demand reduction was held in the Cayman Islands in September 1990. This association with islands of similar size and constitutional structure continues to benefit the Cayman Islands.

Our close association with the Pan American Health Organisation has provided many opportunities for technical staff to take part in conferences and workshops, and these are generally funded by PAHO. One of these workshops on drug abatement and control was attended by the Principal Secretary and the Alcohol and Drug Counsellor at the CAREC Institute in Trinidad in June 1990.

In summary, members of the Portfolio went on four trips overseas in 1989; five in 1990; four in 1991 and one so far in 1992. These do not include visits, workshops and conferences attended by Department staff under my Portfolio.

**11:00 A.M.**

**SUSPENSION OF STANDING ORDER 23(7)**

**MADAM SPEAKER:**

It is now 11 o'clock.

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 23(7) to allow the other question and supplementaries to be taken.

**QUESTION PUT: Agreed.**

**Standing Order 23(7) suspended to enable the remaining questions upon the Order Paper to be taken.**

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**  
supplementary.

We will continue, the First Elected Member for Bodden Town,

**MR. ROY BODDEN:**

Thank you, Madam Speaker.

I wonder if the Honourable Member could tell the House what policy or programmes resulted from such globe trotting?

**HON. D. EZZARD MILLER:** Madam Speaker, I invite the Member to read the answer.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Madam Speaker, I listened to the answer. I would ask the Honourable Member what policies and programmes resulted from that and also if he is in a position to tell the House at what cost was this globe trotting done?

**HON. D. EZZARD MILLER:** Madam Speaker, I repeat. The policies are detailed in the answer. For example the National Drug Plan, the Health Services, the eight policies that make up the Health Plan, the new Hospital design the creation of the Health Authority, the policy decision to introduce national health insurance etcetera, are all in the answer.

Madam Speaker, I do not have the details or the cost available here but I could supply it in writing if Members want.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, I am wondering if the Member when he is giving us the cost, can also give us the man hours consumed on these visits?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker.

**MADAM SPEAKER:** The next question is No. 34, 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. 34:** In 1990 the Honourable Member announced plans to hold training workshops for Church Youth Workers. Will he state the results thereof?

**ANSWER:** For the last three years this Honourable House has voted funds to assist the churches in employing trained youth workers to run youth groups in the districts. Funds were provided to 5 churches in 1990 and to 6 in 1991.

The Portfolio has looked at two proposals to run training programmes locally, and another is expected shortly. When a suitable programme is identified, arrangements will be made to carry out the training in association with the churches and under the auspices of the Youth Services development.

**SUPPLEMENTARY:**

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

**MR. W. McKEEVA BUSH:** Madam Speaker, is the Member is saying that he did not hold the workshops?

**HON. D. EZZARD MILLER:** No, Madam Speaker, we have not held any workshops. We assisted them in recruiting Youth Workers that were already trained and some of the churches who have recruited Youth Workers have themselves held workshops to train other Caymanians in youth work.

**MADAM SPEAKER:** If there are no further supplementaries that concludes Question Time for this morning and at this time the House will be suspended for 15 minutes.

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

**HOUSE RESUMED AT 11:29 A.M.**

**MADAM SPEAKER:** Please be seated. Proceedings are resumed, continuation of the debate on the Throne Speech. The First Elected Member for Bodden Town continuing.

**GOVERNMENT BUSINESS**

**CONTINUATION OF THE DEBATE  
ON THE THRONE SPEECH DELIVERED BY  
HIS EXCELLENCY THE GOVERNOR, MR. ALAN J. SCOTT, CVO, CBE  
ON FRIDAY, 14TH FEBRUARY, 1992.**

**MR. ROY BODDEN:**

Thank you, Madam Speaker. When we came to the conclusion of Wednesday's business, I was in the process of winding up some comments on the Prison Administration and the Prison Department. I would like to say having full cognizance of the authority under whom these things fall, that according to the sentiments expressed to me by my constituents and the broader population, two recent events have brought some disappointment and dissatisfaction. That is the Report on the recent break-out of the prisoner from Northward Prison, Phillip Glennon Ebanks and also the result of the investigation into the fiasco which came to be known as the Patrick Campbell murder trial.

I think Caymanians are disappointed because they expected that some more severe actions would have been taken and the common sentiment is when we had a prison break and Caymanians were in charge of the Prison those in charge lost their positions at the Prison. I only say this to say that we need sometimes to take a deeper view than we are often inclined to take because while people may not voice open sentiments at their displeasure, these feelings are left to simmer and certainly Caymanians, being the intelligent and discriminating people that they are, make mental notes of these kinds of incidents. With that, Madam Speaker, I footnote my comments on the Prison Services and the Police.

I would like to turn now to Broadcasting and to say that Radio Cayman has done, and is doing, exceptionally well; but that does not mean that there are no areas for improvement. I frequently listen to the Jamaican radio station and particularly to JBC. I am impressed by the array of programmes that they have which are not only informative about Jamaican society but its make-up and how it is functioning and its relative cultural background. I wonder if some more could not be done to get more local input on our radio stations, more local programming?

On JBC they have educational programmes for young mothers; they have programmes dealing with nutritious diets in a time of recession and a shortage of cash; they have programmes dealing with cultural aspects of Jamaican society and they have a very good topical, interesting and sometimes controversial, programme called 'The Public Eye.' I believe that if some investigation into the provision of these kinds of programmes were done, we would find that they would be readily accepted by the listening audience. I might say that from my knowledge of Radio Cayman, we could implement some of these programmes at the expense of some programmes being carried now which have no relevance to our society and the culture that we live in.

I would have been happy to have seen the Government make some venture, however humble, into television (if for no more than as a compliment to the Government Information System) and to try to work out some kind of arrangement with the National Trust, the National Museum and perhaps the National Cultural Foundation. Even if the Government did not wish to enter into commercial television per se, I believe that that would have been a wise move because commercial companies are not likely to give much emphasis on the cultural and historical aspects of our society as far as television goes because that might not be the areas of interest to the audiences which they try to reach. I am not saying that there are not people who would not be interested in that, but they are likely to go for the more glamorous programmes, the soap operas and the dramatic news events, etcetera. So I think that there is a role still for the Government to play as far as the development of television goes in these Islands. I full well respect that the Government may not wish to enter the dog-eat-dog and the competitive world of commercial television.

The Civil Service is by far the most important element in our country if for no other than the reason of it being the major employer of Caymanian people. Civil servants have a very good reputation - professional, honest and with integrity. The weakness of the Civil Service bureaucracy is that in many instances Caymanians do not have the upward mobility that they should have, and as a result of this some of them are frustrated and stymied in their moves. I can think of particular departments from which perennial complaints have been received. Computer Services is one that readily comes to mind. But there are some other departments whose record leaves much to be desired. The Lands and Survey Department seems to be one where Caymanian intellect and ability is not widely appreciated and encouraged. So there is room and scope for improvement in the Civil Service as far as providing opportunities and scope for young, intelligent, ambitious and deserving Caymanians to move up the ladder.

I would like to make a passing comment concerning the Management Services Unit. On the Public Accounts Committee we have been impressed with the Terms of Reference of this Unit and of the objectives which the Unit has set for itself because indeed I think that these objectives are lofty and well needed. I have a fear, however, that the Management Services Unit may become an empire unto itself and I hope that the Honourable Members of this House can be kept abreast of the progress of this Unit and we can be fully apprised of its achievements.

When the Officers of the Unit appeared before the Public Accounts Committee a request was made and acceded to. I hope that that request also extends to this Honourable House and I would also hope that throughout the course of the life of that Unit, that more Caymanians could come on-board, could rise to the top levels in that Unit because this Unit will be the Unit responsible for not only trimming the bureaucracy but for ensuring that Officers have relevance and that Terms of References, etcetera are appropriate and in keeping with what the General Orders requires.

In terms of Tourism, Aviation and Trade, we in this country have been for some time trying to do well in the competitive world of tourism and our record while leaving room for improvement is not a shabby one, indeed, when you consider that we are a small country of 26,000 people. While

there are various schools of thought on the kind of market we should try to attract, and I am not pretending by any means that I am an expert, I think it is healthy for us to decide where we would like to settle and to concentrate, that is, whether we are going at the more shall we say, upscale visitor, or whether we are going at those visitors who would fall in what I would call the median level.

May I humbly suggest that if we settle for trying to attract the more upscale visitor we may be better off in these respects: one - that we are probably in this region facing less competition and secondly, while we may be going after the smaller market in terms of numbers we may in the long run be benefiting by attracting the calibre of people or the kind of people who will stay longer and by inference spend more money.

My reason for proffering this position is that we are expensive in comparison to countries like Jamaica and Mexico and we also have to realise that these countries have much more to offer by way of natural resources, perhaps a longer and richer historical tradition and in some cases they are more easily accessible. What we in this country have to boast about is our political stability, relatively crime free society, as far as it affects visitors and tourists, and Madam Speaker, I agree that when you have a good product people will pay what is reasonable for it.

I am saying this not because this is not what the current Member for Tourism is trying to promote, but I am saying this to reinforce and to try to deal with some of the negative aspects of sometimes unwarranted criticism that I read about Cayman being expensive and we are shafting people or people are not getting their due. I believe that it is true that comparatively speaking the prices on some goods and services here are expensive. I also believe that when people travel for a vacation if they know that before hand and they are assured that they can have a hassle free vacation, meaning that they will not be robbed, they will not be assaulted, their belongings will not be stolen, that there are sufficient people out there who are prepared to pay for that kind of vacation. Because, no one need tell me about what happens in Mexico, I have been there and some of these other place. Of course you can find inexpensive vacations but you also get hassled and do not forget if we are thinking of the North American market, we have another attraction, we speak a similar language.

I say all this to say that of course we have some work to do as far as tourism is concerned, and of course there is room for improvement but I am not necessarily alarmed at the reports I read, the few they are, about Cayman pricing itself out of the market. I am more concerned with our airline surviving and being in a position to draw and bring tourists to this Island because I think that if we in these Islands decide that we are going to go at the more upscale visitor we will be doing well and in so doing we will be freeing ourselves from some of the more intense competition from countries like Jamaica, the Bahamas, countries in the Eastern Caribbean, Mexico, the Dominican Republic and other countries in Central South America.

I want to say just a little about Cayman Airways because it has been getting some kicks lately and at this stage it does not need many more. I believe that we have to decide what size airline we want. I believe that we have to come to the conclusion of just how much money per annum we wish to inject into Cayman Airways because while I concur that it is a necessity, I also say the price for this necessity must be realistic and within the bounds which can be afforded by us at this critical time in our economic development.

There are those who suggest that maybe we should have stuck to three routes, Miami, Kingston and Houston. There is some merit in this argument but being entrepreneurial one would have to say if a market exists in other areas, if there are other destinations which could be profitably run, why not exploit those? The problem with Cayman Airways as I see it, is that the decision must be taken whether it is a private entity or a public entity and if it is a public entity it must be run in such a way that the people's representatives who must be considered as trustees, have confidence in its management.

That is not the case currently and this is a good time to say we on this side welcome the appointment of a new Managing Director (or Chairman) rather and offer him our fullest support and our best wishes for success. Certainly we on the Backbench think he is very ably equipped being the successful banker he is and we look forward to him bringing some of his tried successful and refreshing managerial views and strategies. This is a good time to let him know publicly that he has the support of the Backbenchers.

I would like to comment now on the Trade and Labour situation. I would wish to preface these comments by saying that all over the world it seems problems are now arising concerning ethnicity, the business of nationalities, of other countries being over-run by citizens of other countries. These problems have begun to affect us as well in the Cayman Islands and much time was spent on the drafting of a new Immigration Law which it is hoped will meet the expectations of Caymanians who quite realistically and quite properly have a fear of being over-run and dominated by outside elements.

But it is not good enough to have just a new Law with ethnic quotas and entitlements. The Law must also be functional and must be one in which the people have complete and total confidence. I, think that there is complimentary legislation to the new Immigration Law and would like to take this opportunity to suggest that I will be moving some motions which would call for a Fair Employment Practices Act which I see as forming a part of the now Labour Law.

I have also given some thought to bringing a motion which could be called a Fair Competition Act because quite often Caymanians complain about foreign owned companies and business establishments setting themselves up in direct competition with already owned and established Caymanian enterprises. I would see this act as working somehow like this.

One of the frequent problems we have and the perennial source of complaints is the business of fronting. It is not easy to deal effectively with that and we need something like a Fair Competition Act which would, if not eliminate this completely, would limit it. I would just like to say in a summary explanation of this that the business of fronting would be dealt with by the fact that if a foreigner and a

Caymanian enter into a business and \$300,000 is deposited into the account of the Caymanian as a 60 per cent shareholder, then I think our authorities should reserve the right to check at any time to see that that money is kept or remains in the account of that said company and in the event that that discretionary check is made and that money whatever its amount is not in that account at a particular time, then it is simple. The Principles of that company forfeits that amount and in addition to that they could be subject to other penalties which the court would deem fit and appropriate.

I must admit that I have not bounced this off any legal mind to see if it is practical to set out such an Act, or what would be some of the loopholes but it bears investigating.

The third complementary legislation that I think could be effective working in tandem with the new Immigration Laws is some kind of lien act (and I know in Canada there is an Act called the Mechanics Lien Act which protects the citizens of that country) when investors or developers fall into problems like bankruptcies or when they abscond without completing projects. That would mean that if a foreign developer comes here, hires Caymanian people as contractors or otherwise, and falls into financial problems, the Government would ensure that when that property or business is liquidated, Caymanians realise some of the monies owed to them. But further it would ensure that where the courts have to step in or the authorities have to step in and deportation is ordered on any foreign officer, that officer cannot leave the country until proper provision has been made to pay off the Caymanian creditors as the court sees fit so that it is possible for someone to be deported yet the sentence is stayed from its execution until that person makes provision to pay his or her Caymanian creditors. I believe that these companion legislations would do well to alleviate the fears Caymanians now have of unfair competition from foreign nationals, from unfair unemployment practices and from being overrun.

Madam Speaker, the National Trust, the National Archives and the National Museum, as far as I am concerned there is only good to say about those organisations. I hope that the Government could be in a position to continuously offer them financial and moral support. I am particularly impressed with the National Trust and the National Museum and with the work of the National Archives. Those officers, Madam Speaker, are to be commended and I hope that we can always find the necessary finances needed to keep the wheels of these important organisations in the cultural development of our country greased and running smoothly.

I would like to spend some time now on the Portfolio of Education. I will not offer any comments on the new Education Plan because I think it was thoroughly aired and debated. Rather, I would wish to spend my time on some of more stultifying and deleterious aspects of our education system namely, that which has to do with the breakdown of discipline.

Madam Speaker, I was taken aback with the cavalier disregard in which the Member dealt with the disciplinary problems experienced at the Middle and High Schools. Just on my way here this morning, I, as I usually do on mornings that Juvenile Court is held, passed by. I am appalled. I am appalled by the number of 13, 14 and 15 year- old Caymanian youngsters who get into trouble at school. Yet just yesterday I was put in my place and told that there is no need for a clinical, behavioural psychologist.

Madam Speaker, it would not be so bad if I did not know some of these youngsters but I know firsthand of some of them. I am going to tell you something else, Madam Speaker. I am also alarmed at the number of youngsters who do not attend school regularly. I see them on the streets of Bodden Town. Where is the Truant Officer, where is the school Social Worker, where are the education authorities?

Madam Speaker, we cannot afford to invest in unintelligent youngsters in this country. What kind of society are we living in when teenagers have to be manacled? I am not talking about 18 year- olds, you know. I am talking about 14 year- olds, when they have to be manacled at 9:00 a.m. in the morning and brought into Juvenile Court. We are mortgaging our future and the remedy is not into a multi-million dollar Education Plan, it lies at the grass-roots level. We have to reach these students before they make the first mistake. Is it, Madam Speaker, because they come from East End, North Side, Bodden Town, West Bay and George Town? Is it because they have Caymanian names and faces that no one cares?

You know what I would propose, Madam Speaker, because we are often criticised for not providing alternatives? I think there should be a closer liaison between Social Services and the Education Department. I think there should be regular, almost daily, contact when students at school get into this kind of trouble.

In fairness, I must say that the parents must share some of the responsibility of the state and parents must ensure that their children are properly supervised particularly in the evenings and on week-ends and must not leave them to watch television or to run amok. Unsupervised television to young people is one of the most dangerous and potent weapons that one could ever have. When I talk with some of these youngsters I get the impression that they can watch anything that is on television. So, if we are to win this war, it necessitates all of the forces working together, the home, the school, the community. We cannot leave all of the burden on the churches, the services clubs and the social services organisations. I know that we are in tough economic times but parents must decide to make a sacrifice where it is necessary and forego the second or third job and take better care of their charges.

Gone are the days when people could afford to be housewives. We have left that in the old, romantic Cayman. But parents must learn to balance their role as providers with their roles as parents because, Madam Speaker, it is of no use to work three jobs and to have a packed bank account if you have a teenager hooked on crack, or with a record as long as a doctoral dissertation and then the state, particularly at the school and community level must provide the services and the resources to get these students and these youngsters involved. They must have access to constructive activities. They must have access to supervisors, to instructors, to game wardens.

Madam Speaker, we need to invest more in the resources of our

youngsters or else our Court, prison and statistics books will always be filled. We must not take the attitude, "Oh, it is not me, it is not mine, let them get into trouble." It affects each and every one of us. So I have to again voice my disappointment that at the school level, particularly at the Middle and the High School levels, more is not being done.

I will take my suggestion one step further. I believe from my experience as a school teacher that some of the disciplinary problems which exist at the High School and the Middle School could be better managed if the schools had a Student's Council in which the students themselves set a code of behaviour and the sanction for breaking this code and if these councils and these codes and sanctions were then approved and supervised by the teachers we could be doing two things by so doing. We could be creating and providing opportunities for the students themselves to develop a sense of responsibility and leadership. We could be allowing them the opportunity to exercise their maturity to the extent that they could give weight to what behaviours they deem important and to the sanctions they think appropriate for breaking those codes.

Madam Speaker, do you know what alarms me? During my tenure in Canada I spent some time at a High School of 3,000 students. We never, never had the kinds of problems that I see and read that we have in a High School of less than 1,500. There were no wardens riding the school buses at Crestwood High School. The buses were all driven by women and the students were responsible for their conduct on those buses to and from school. As a matter of fact, the school did not even have a security guard. The difference, I contend, was in the way the school was built. That school was built so that when the Principal came out of his office he looked up the corridor or down the corridor and he had in one glance a perspective of everything that was happening in that school building. We have a High School and a Middle School sprawled out like a university campus. It is too easy for people to play hooky and truant by dodging behind a building, dodging behind a corner.

Madam Speaker, as for the business of riding the school bus to school and then not appearing at classes, that never happened at Crestwood. The students had their own Student's Council. The Principal and staff seldom had to intervene. In my tenure there was no such thing as a weapons fight. Absolutely no one using threatening and abusive language to the teachers. I am still in touch and one of these Sittings I am going to bring a comparative statistical abstract of the kind disciplinary problems they have vis a vis the kind we have. It would be shocking.

I do not believe that Caymanian students are bad or worse than anyone else. Certainly as a school teacher I expected my students to pull pranks. Any normal student will try that. The problem is that many of these students are not fools. They know that some teachers are not interested in them because some teachers tell them so. They do not get the attention that they deserve and they seek because some of these teachers do not care. After all they have no vested interest, they are not Caymanians. When they are ready they can leave. We must work at a solution where the majority of our teachers are nationals of our country, whether they be nationals by birth or by choice, because it is only then that our students will get the kind of attention that they deserve.

Madam Speaker, what alarms me is that I have a football club in which there are 23 youngsters between the ages of 14 and 16. None of them have displayed any overt aggression at any time towards me, nor do they use abusive language in my presence. Of course, they try tricks and pranks yet one of these same youngsters has been expelled from the High School because, and I have the letter right here, he was extremely violent and aggressive. I have known that youngster for three years. He has been in that programme that I run in Bodden Town every Tuesday and every Thursday and football is a contact sport. I have never seen him, even in a hard tackle, raise a fist to strike another player. So what is wrong? Something is wrong.

I was disturbed because at 15 years of age the youngster is out of school with no prospect for an education. I spoke to him just this morning. He was in the programme up until yesterday afternoon. We are preparing to go to Mexico in the summer and he is one of the best players and he insists that he is not guilty. I do not know, Madam Speaker, but something is wrong because somebody owes that 15 year- old youngster a chance to get an education. Somebody also owes him the chance to set the record right. He is not the only one. I do not know of his two companions. I know them but I do not know of the circumstances because they live in another constituency.

This is where our system has failed. What are we going to tell this youngster 10 years from now when he cannot read and write well enough to get a job? Somebody made a mistake, we are sorry. Even in the cases where they are guilty, where there are guilty parties, what are we doing to help them? We were told yesterday there is a psychologist. Well, is that psychologist counselling these youngsters and their parents? How many problems have been alleviated? How many behaviours have been corrected? How many students have been brought back into the mainstream? How many students has the psychologist spoken with? How many have they counselled? These are the things I would like to hear in the Honourable Member's reply.

Madam Speaker, the business of suspending students and having them return to school without an apology, without a repenting statement, and without the general school population knowing that they were suspended and knowing that they have returned, is not only unsound, it is not constructive. If a student does something serious enough to be suspended from school or disrupts or endangers the life or lives of a student or teacher, that student should be brought before the general assembly and made to apologise and to tell that gathering of students and teachers that he or she was sorry, they have repented, and they wish to take their rightful place back in the school community. To do less is a negative reinforcement of the act. I contend that.

What kind of a society would we live in if when we did something, we went to Court and were tried in secret and ushered away with no fanfare, no public pronouncement

and then when we had completed our sentence we were brought back as if we went to Miami or to New York? The publicity must be part of the shameful of the act. That, I contend, serves as much as a deterrent as the time spent away because in every one of us, however much of a miscreant we are, there is that element of pride. We do not want people to know that we have fallen on bad times. But we want to belong to a group and if the group publicly tells us, "You cannot belong to us because we do not condone your behaviour," then that is a sting. That is a sting that is not being administered according to the Member responsible for Education answering yesterday.

Yet, Madam Speaker, he tried to make me look like an ass in suggesting that I did not know what I was talking about when I brought the motion calling for a clinical, behavioural psychologist. The onus is upon him because were it me and these kinds of offences came to my attention, I would get in my car and drive out to the school and tell them, "Listen, you know how those Backbenchers are going to do me in Parliament when they read these things, straighten up your act, unless you wish to sit in my seat and answer the questions and suffer the embarrassment and the shame when it is brought before the House." That responsibility lies in his lap and he cannot exonerate himself from that. I know, and we full well realise, that he cannot dictate to civil servants but these are legitimate concerns. He, in his direction of policy must address these concerns. To do otherwise is to be marring the future generations of this country.

Madam Speaker, you know when we have responsibility if we would study less the prospects of being re-elected and exercise those responsibilities as they should be exercised, in the long run posterity may be more generous to us. It seems some people only seek the glory of the moment forgetting that there is a day of reckoning down the line.

Madam Speaker, the Portfolio of Health. We are, thanks to the proposal to build a new hospital and the coming into effect of the Health Services Authority, experiencing one of the most unsettling and critical eras that we have had in these areas for a long time. I will not use this forum to debate the necessity or the efficacy of the new Hospital only to say that I do not share the casual and uncritical confidence that the Member who holds this responsibility has. I cannot take lightly the cavalier disregard with which he tries to deal with council from the Backbenchers when they tell him to hasten slowly.

Madam Speaker, I walk and talk and visit with my constituents and the broader sector of the Caymanian community as well as monitor the media in an effort to absorb the current *Zeitgeist* of what is happening with regard to our Health Services.

Madam Speaker, there is widespread concern that we are embarking on a white elephant. The Member has been told this over and over. While I give him credit for his salesmanship, his presentation and his lofty ideals and objectives, let me hasten to add that I too, want only the best in health care and health services for this country. The difference between him and me is that I am not prepared to mortgage future generations of Caymanians for something which is only going to bring momentary glory and praise.

We would have been better advised to have, as I remarked on another occasion, concentrated on providing excellent primary health care services, a good trauma and diagnostic centre. The Member laughed at me when I told him that it would take a special acculturation to prevent Caymanian people from getting on a plane and going to Miami and other jurisdictions when they believe they have serious illnesses.

But we on the Backbench have been neutralised. The First Elected Member for Cayman Brac has ensured that. His vote has effectively neutralised seven Backbenchers so all of the mileage we can make is by saying that we have been beating our heads against the wall and will continue to do so but in one stroke, in one yea, Capt. Mabry neutralises our seven positions. He may continue to do that. I only hope that he is around to share the curses of the Caymanians when they begin, as I know they will, with regards to this project.

The Youth Services Review, Madam Speaker, was timely and well needed. But, did we have to go to Kansas to recruit people to tell us that we need to provide expensive services in order to rehabilitate and save our youth? What about regional countries? What about countries with experiences more akin to our culture and socioeconomic status? What about trying to tap some local expertise? Must every solution have to be imported? Can we not think for ourselves? Why was no use made of the Justices of the Peace who sit on the bench and are familiar with the kinds of experiences and offenses committed by youth? Why were they not tapped for their ideas? Why were not they chosen as more important resource people?

Not only does charity begin at home, but other things begin at home. We must be able to look at our surroundings and make preliminary and cursory assessments of our needs and determine if we internally can address them and only seek outside expertise after we have determined that we cannot internally adequately assess them. You see that is the weakness and danger of imported solutions.

It would have been better to have a panel of eminent Caymanian people experienced and then if we wanted we could have taken those findings and gave them to the Sociologist, the Social Service experts and the other experts and said these are the problems we have been plagued with, how do you think we can most effectively and economically solve them using our own resources within our own country? What good is to be served exporting Caymanians to North American society and then bringing them back into the environment from which we had to export them? The only thing that that is doing is triggering culture shock.

Our solutions have to be Caymanian solutions. They have to be peculiar to the circumstances and experiences in our country. The United States is not sending their juvenile delinquents here. Why should we send ours up there? And when they go there and they have American counsellors and American advisors what are they going to do when they come back here into the same environment and the same situation from which we sent them? "There are none so blind as those who will not see." But I suppose I will be told that I am a fool, I do not know what I am talking about. We do not know what we

are talking about. Madam Speaker, I wonder who is going to pay the price for all these mistakes? I wonder who is going to answer for all this folly? I wonder who is going to be bold enough to admit to the people that they were bad stewards? It will be interesting to see.

Turning now to Communications Works and Agriculture. The Public Works Department must be one of the most demanded of departments in the Government. It has the task of the upkeep of most, if not all, of the roads in this country as well as Government buildings, etcetera. In the last little while its record has not been satisfactory, that is if one would listen to the pleas and the complaints made of the Backbench Members and of the general public. I would hope that there can be improvement in this regard.

This is also one of those departments where we hear perennial complaints from Caymanians about being over-run by foreign people. There is no need for this. There is absolutely no need for this. I do not see why, particularly at the semi and the unskilled level we cannot have Caymanians in those positions at the Public Works. I hope that those Caymanians who are at the technical, professional and skilled level get the opportunities for upward mobility that they deserve. In spite of all that however, I give the department a good grade because often they work under trying and adverse conditions and while there is room for much improvement, they generally do well. It is the responsibility of the Member to see that policies as regard to this Department are effectively carried out.

Our roads now are deteriorating because it seems that there has been some break-down in the schedule of maintenance. I hope that we can get on track in the next little while and that there is no attempt to let them go to rack and ruin because people would like to build a new web of super highways.

Agriculture - I give the Member full marks, good credit, except that he has not yet fixed an important farm road in the constituency of Bodden Town. I believe that the unveiling of the Agricultural Plan was timely. Contrary to what some other pundits in this society may think, I believe that agriculture can play a role in the Caymanian economy and I would encourage it, if for no other reason than it is one area of diversification which allows Caymanians to see returns on rather, at least some of them, humble investments because there is a market for fresh local produce. One would only have to visit the Farmer's Market on a Friday or a Saturday to attest to that and I am glad that Caymanians have shed the snobbishness as to believe that there is a stigma attached to those who work with their hands.

George Hirst in his notes suggests that not only were we self sufficient years ago, but we actually exported some agricultural produce to Jamaica and the big island of Honduras. Well we may be a long way from exporting again but certainly we can strive to satisfy some of the local demands in areas like fruit, meat and vegetables. It is in this area that I give the Member credit because not only have the farmers of the Cayman Islands an interest in growing and producing crops but that interest is rubbing off into many rank and file Caymanians who now have the ambition and the desire to acquire a little plot and grow a garden for themselves. We have to remember too, that the more of this we can do is the less drain on our foreign reserves. I do not see why those of us who wish to buy locally cannot find Caymanian produced goods that we can buy because we have to remember those imported are likely to be less fresh and they are also likely to be more expensive.

I would like to conclude by offering a few comments on the Constitution. I believe it is time that we have a look at our Constitution. After all, if our present Constitution was a child, it would be well into adulthood and we would have been encouraging it to leave our home and to make one of its own. I also believe that the Caymanian population generally is in the mood to have their representatives have more political responsibility and there are none of us, certainly none of us in this House (and on this matter I can speak for both sides), who are so stupid as to want full internal self-government and independence. I welcome the recommended change, my position and record is well known. I have articulated that and it came in the Minutes of the Constitutional meetings as well as I have articulated it numerous times in my constituency and my people know where I stand. I will be articulating it again as the election campaign heats up.

I wish now to end on a more somber but no less important note. Namely, the rising tide of public opinion, which in many instances casts aspersions at the integrity of politicians.

The one thing my mentor told me when I was going into politics was that politics is a fraternity. One good thing Honourable Members can tell you about Roy Bodden is that I have always defended the fraternity as good people, as people of integrity, as people deserving to be the representatives of our people and I say this, Madam Speaker, in spite of the fact that we have differences of opinion with regard to the importance of policies and the routes we take to achieve these policies.

There will always be those differences, that is why this House exists. But when I put those differences aside, however momentarily, and look at us in a totality I have to defend my fellow colleague and while we are public figures and we expect a certain amount of 'bombing', I resent the fact that people insinuate that we do not have integrity or that we are uncharitable or that we are overpaid or that we are a kind of creature which is inherently evil or suspicious.

Madam Speaker, politicians, like other human beings are inherently good. We are a special breed of people because we elect to set ourselves up to be castigated, not only by our peers, but by the general public. We are generous because while the newspapers and the writers of letters are quick to say how much we are paid and how much we have earned from private undertakings, they have never come to any of us, certainly any of us that I know, and said give me an estimate of how much you give away. Because, there is that side to us too, and I wish that the writers of letters and developers of editorials when they hit us for earning would also say in fairness, they give to good causes. Sometimes anonymously.

I say all of that to say that we are not all evil, we are not always as bad as some people would make us out to be and remember too, that if we could do nothing else, if we did not have other skills, other callings, other things to fall upon, we would be poor leaders. If some of us were not



business people, if some of us did not have knowledge in other areas, how could we make decisions to the benefit and interest of our people as we are expected to do many times without consulting them?

So, Madam Speaker, I hope that the criticism (because I notice now it is getting more frequent) can be tempered with the realities and the other side of the story. In spite of the fact that we differ in here, sometimes bordering on the disgraceful, all of us are people of integrity and of decency and we make sacrifices, believe you me, many of which we care to keep buried in our bosom. So I can only ask that as we enter into what will probably be a heated campaign that our detractors remember that. As far as Roy Bodden is concerned, I am a defender of the political fraternity and I will carry my respect for my colleagues and for politicians to the grave. I can differ with them and tell them off when the occasion arises, but I have nothing but respect for my colleagues.

Thank you.

**MADAM SPEAKER:**

Proceedings will be suspended until 2:15.

**THE HOUSE WAS SUSPENDED AT 12:48 P.M.**

**HOUSE RESUMED AT 2:25 P.M.**

**MADAM SPEAKER:**

Third Elected Member for West Bay.

Please be seated. Debate continues on the Throne Speech. The

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. Over the past four years we have witnessed many dramatic and positive changes on the international scene. Changes such as the tearing down of the Berlin Wall resulting once again in a United Germany; we also witnessed the collapse of communism and the dismantling of the once powerful Soviet Union; in the past four years we have also witnessed the freeing of the western hostages in Lebanon and for the first time in its history we have witnessed Israel and its enemies sitting down face to face in an attempt to reach a peaceful solution to their life-long and historical struggle.

We also witnessed the unification of the western world and its allies for the purpose of freeing Kuwait from the terrible stranglehold of Sadaam and the people of Iraq and we have also witnessed the signing of an agreement by the European countries to establish a unified Europe, tearing down borders and establishing a unified economic social and financial community. These are only a few of the dramatic events which have taken place over the past four years, which have had an influence on the world and the course of world history. No less dramatic are some of the events we have witnessed here in our little Island over the past three years.

This Throne Speech comes at the end of three years of stewardship of the present administration which still has some 10 months in office but the present administration has also been responsible for some dramatic and historical events which have taken place in this country. As a result of the present administration we have unprecedented high public debt and according to the late statistics at the end of 1991, that amount was in the region of some \$42 million.

We have also witnessed a dramatic rise in our social problems in this country. Crime is on the increase, there has been a dramatic increase in the incident of drug abuse in this country. In order to substantiate this increase if you look on page 19 of the Royal Cayman Islands Police Annual Report 1991, we find that in 1990 ganja offences amounted to 274 - in 1991 we had a total of 412 offences representing a 50 per cent increase. The number of cocaine offences rose from 202 in 1990 to 383 in 1991 representing approximately a 90 per cent increase, so crime is on the increase. The incident of drug abuse continues to rise and there is very little that is being done to address this very serious issue.

We continue to experience over-crowding of our prisons and at the present time according to the latest statistics we have a total of 187 prisoners at Northward Prison - that is 175 males and 12 females. There are 27 young people at Northward Prison. When I refer to a young person I mean persons between the ages of 17 and 21 years old. Of the 187 prisoners presently at Northward, 86 are convicted or in remand on drug charges. That represents 46 per cent of the prison population. There are 116 Caymanians, 8 Americans, 2 Colombians, 44 Jamaicans, 4 Hondurians, 3 British, 7 Cubans of which 5 are refugees, there is also 1 prisoner respectively from Nicaragua, Dominican Republic and Barbados. So things are not well socially in this country. The present Government is responsible for many of the problems we have in this country because they have failed to recognise that we have a problem and have also failed to listen to the Backbench who have proposed many solutions to these problems.

We also live in an environment of high unemployment and economic stagnation. At the present time 6 per cent of the labour force is unemployed. The statistics that I have as at the end of October, 1991, show 5.9 per cent of the labour force unemployed. That represents approximately 1,000 persons. What is interesting is the breakdown of the age group of the unemployed. In the bracket between 15 and 24 years of age, there was a 9.7 per cent unemployment rate. What this tells me is that our high schools are not producing the calibre of persons that the labour market is looking for.

As a Government we have done very little to address and to train those persons who are not academically inclined to equip them with a trade as electricians, plumbers, masons, carpenters and many of the other areas of employment in this country. That is why the unemployment rate is so high among the 15 to 24 year old persons that we have in this country. In the age bracket between 25 and 34 the unemployment rate was 4.7 per cent. Between 35 and 44 years of age the unemployment rate was 5.5 per cent and 45 years and over the unemployment rate was 5.3 per cent.

Of the 990 persons who were unemployed there were some 665

Caymanians and 325 non-Caymanians, that is, persons who have been here for six months or longer who were unemployed. The unemployment rate among males in our society amounts to 5.2 per cent while the unemployment rate among females was 6.7 per cent. It is interesting to note the areas of unemployment in the agricultural and manufacturing sector the unemployment rate was 21.5 per cent but what you have to take into consideration is that the total labour force in this area is approximately 465 persons.

In the construction and utilities area or sector of our economy the unemployment rate was 7.5 per cent. That is 225 persons with 150 being Caymanians and 75 being non-Caymanians. In the household sector the unemployment rate was 6.6 per cent. In the financial sector according to the statistics there was no unemployment and in the hotel industry there were 70 persons who are unemployed and they were all Caymanians.

These statistics do not bear well on the track record or the administration of the present Government. I might add, as the First Elected Member for Bodden Town said in his opening remarks, a Government which was hoped to be a very productive, very effective one and as far as I remember the article was entitled the "Baby Boomers Lead Government into the 1990s". So there has been much disappointment in the abilities and the track record of the present administration.

We also live in an environment with a high cost of living - the direct result of the excessive tax packages recently introduced by Government. In the Budget Address delivered in November 1991, the inflation rate was projected to top 10 per cent by the end of 1992, as I recall. What that means is that the dollar which is earned at the present time in the Cayman Islands does not go as far as it used to go before because the cost of living has increased dramatically and many people in our society at the present time are having a very difficult time to make ends meet.

The past three years have also been an error of excessive and unwarranted Government expenditure. If we compare the past three years, 1989 through 1991, with the three previous years, 1986 through 1988, there is quite a startling revelation as far as Government expenditure is concerned. To give you an idea of what I am talking about, the previous administration (the 1985 to 1988 administration elected in November 1984) the recurrent expenditure in 1985 was \$49.3 million compared to recurrent revenue of \$56.1 million. Capital expenditure for that year was \$7.5 million which resulted in a deficit of \$500,000 for the year. In 1986 recurrent revenue was \$62.9 million, recurrent expenditure was \$55.6 million and capital expenditure was \$7.2 million which resulted in a surplus of \$3.2 million for that year.

In 1987 recurrent revenue was \$71.9 million, recurrent expenditure was \$60.8 million, capital expenditure was \$11.8 million with a deficit of \$4.6 million. In 1988, the last year of that administration recurrent revenue was \$85 million, recurrent expenditure was \$71.5 million and capital expenditure was \$13.6 million which resulted in a surplus of \$6.7 million.

The present administration was elected in November 1988, so their first full year in office was 1989 and in that year there was \$95.9 million in recurrent revenue, \$81.1 million in recurrent expenditure and capital expenditure of \$15.4 million which resulted in a surplus of \$4 million. In 1990, recurrent revenue jumped to \$101.8 million, recurrent expenditure of \$103 million, capital expenditure of \$13.7 million for a deficit of \$14 million. In 1991, the recurrent revenue amounted to \$110 million, recurrent expenditure was \$109.7 million, capital expenditure was \$14.6 million which resulted in a deficit of \$800,000. In 1992, the situation has worsened. As I recall the information for 1992 before the tax package that they introduced the deficit was in the region of about \$17 million.

The stewardship of the present Government leaves much to be desired. Over the past three years we have witnessed a period of a weak and unpopular Government and a strong and undaunted opposition or Backbench. It is encouraging that we only have another 10 months of the present administration and hopefully we can keep them in check as far as the excessive expenditure and loan commitments are concerned. Hopefully when a new Government takes over after the General Election in November 1992, we will have some hope of turning this country around financially and otherwise.

We have also experienced a period of continuous decline as far as our tourist air arrivals are concerned. I believe in 1991 our tourist air arrivals had fallen by 6 per cent compared with the year before. I will get into more detail as far as tourism is concerned a little further down in my speech. We have also witnessed unprecedented taxation of our people. If I recall correctly in 1990 the Government introduced a \$10 million tax package under the guise of funding the civil servant pay increases and then in the 1992 Budget which was passed last year, they introduced another \$9 or \$10 million package in an attempt to balance the Budget.

We have also experienced little or no more growth in our gross national product. The economy has become stagnant. We have also seen a dramatic dwindling in Government's Reserves, that is those funds which Government tries to put aside to cushion the impact of economic recession and hard times.

In 1988, when the present Government took office Government Reserves stood at \$19.8 million. In 1989, the Reserves stood at \$18.2 million. In 1990, those Reserves had been reduced to \$12 million and at the end of 1991, in an attempt to balance the Budget further borrowings had to be taken from the Reserves which resulted in our General Reserves at the end of 1991 standing at only approximately \$9 million. According to my information, that is less than one month's of Government's Recurrent Expenditure.

This is a very sad picture of a country who only four years before could boast of full employment, substantial Government Reserves, prudent Government spending, controlled inflation and a period of economic growth and prosperity and political stability. Let us lay the blame where it belongs and the blame for the present situation must be placed at the feet of the four Elected Members of Executive Council.

We have heard many excuses for the present situation. One

excuse that was thrown out was the Gulf War, and that has been a year ago. The United States (US) recession, I remember times in the past when the U. S. was experiencing a recession when we continued to boom in this country. So the present situation must be blamed on the present four Elected Members of Executive Council. The present Government has been weighed in the balances and have been found wanting and the people of this country will have the opportunity to register their final disapproval in November, 1992. The Backbench has untiringly and unceasingly preached and advocated a policy of restraint and caution but our warnings and advice have fallen on deaf ears.

Let me now turn and address in more specific detail those areas and issues raised by the Governor in the Throne Speech. The first item that I would like to address raised in his speech under the Judiciary, is the issue of Legal Aide. I believe it was in 1989 or early 1990, I moved the motion calling for the establishment of a Public Legal Defenders Office because of my concern over our people who can least afford it, having access to proper legal representation. The matter was approved and was referred to a Select Committee of this House Chaired by the Second Official Member. The Committee met on a few occasions and received valuable input from the legal profession and I feel that we need now to come to a conclusion on the issue as to whether such an office needs to be established or if the same purpose could be accomplished by raising the fees paid to lawyers handling legal aide cases. In my opinion, I feel that it might still be a good thing to have such an office established.

The Portfolio of Finance and Development - AIDB or the Agricultural Industrial and Development Board. It says that low cost loans for Caymanians undertaking courses will continue to be provided and the Government has granted an additional \$120,000 to the Board for this purpose. I feel that more emphasise and funding must be made available to our people who have the desire but do not necessarily have the academic qualifications for a scholarship, but have a desire and the ability to go off to further their education.

I recall since I have been elected dealing with young people who have found themselves in this position, that is, young Caymanians whose parents could not afford it, who, because they did not have five or seven O Levels, whatever the required figure is, could not qualify for a scholarship and it was a real struggle. I remember one in particular who worked for a year or so, resigned and started his schooling out of his own resources. It took a real effort and struggle to get funds from Government to enable him to continue his studies in higher education.

With the present situation that we have in this country where we keep hearing that we do not have people qualified to fill the respective jobs which are available in this country, I feel that every encouragement should be given to Caymanians who want to go off to train and to further their educational qualifications.

I also feel that the Board has to be more willing to assist Caymanians by financing projects in the industrial, tourism and agricultural sectors. I am not saying that they should be included as far as that funding is concerned but the requirements that are made or demanded must be less stringent than those of the commercial banks because the chances are if these persons who are interested in setting up their own little businesses could qualify at a commercial bank, they would not go to the AIDB for funding.

The funding must be with terms that are flexible and affordable by the borrower so I feel that more emphasis and funding must be made available for Caymanians wanting to further their education or to establish their own local businesses by the Board.

On the Bank Supervision, I would just like to first of all publicly congratulate Mrs. Jennifer Dilbert on her recent appointment as the first Caymanian Inspector of Banks. I personally have every confidence that she is both qualified and capable of handling the job. I am pleased to see that the number of reputable international banks continues to grow and the quota now stands at 544. I think it was also a wise policy, for Government to decide to discontinue issuing licences to private banks even though I feel that applications of this nature should still be deliberated and determined or decided upon based on their own individual merits.

The Customs Department continues to play its very important role as a Government Revenue collecting department and at the end of 1991, reached their budgeted target of \$43.4 million. Much congratulations must be given to the Collector of Customs, Mr. Carlon Powery and his staff, for the fine job that they continue to do. This is evidence that if given a chance Caymanians are not only capable and willing but they are able to get the job done.

I am also pleased to see that Company Registration continues to grow and increase by 1,440 in 1991 which represented a 6.5 per cent increase over the previous year.

What can I say about the Legislative Department. In my opinion the Legislative Department is an example of a well-run and managed department. And, I have always been impressed with the level of efficiency and the professional manner in which the department conducts its business. Madam Speaker, Since the last Throne Speech you were appointed to your position and I must say that you have been a very vital and valuable addition to this very important department.

The Portfolio of Legal Affairs - the Law School. I continue to be impressed with the Law School and its calibre of young lawyers which it continues to produce. In 1991, five students graduated from the Attorney at Law's Course with one other graduate receiving the Liverpool of Bachelor of Law Degree. At the present time the enrollment stands at 44 persons. I would like to see, and I think some attempts have been made in this regard, the expansion of the services or the courses of studies which are made available to the Law School. I feel also that it is a model for other institutions to be established on in the other areas where we are in dire need of qualified and professional persons.

I know the argument that has always been put forward is that the Community College is the answer to all these things. From my information I am not sure that the Community

College is geared to training those persons in the trade areas who may not have the academic background as far as maths and English and all of the other courses of study which go along with the programme which are made available at the Community College. I believe that it makes sense for us once again to establish a Trade School along the lines which were in existence some years ago which specifically dealt with the training of persons in specific areas. That is we should have training in the electrical area, plumbing area, masonry, carpentry and all of these so called blue-collar jobs are very valuable to our society and also are jobs in which a person can earn a decent living.

I think that the Law School is doing a good job and for the first time the information I hear coming forward is that maybe we are qualifying too many lawyers, rather than too few. That is a good complaint or situation to be faced with because with a legal background these young qualified lawyers can go into many areas and find employment.

I feel that the Attorney General and his staff have done a good job as far as dealing with the many demands placed upon them, the drafting of new laws, dealing with the courts and all the other areas that they are responsible for. I am pleased to see that more Caymanians are being employed in the Legal Department and hopefully one of these days rather than leaving and going into the private sector they would have the chance to move up and hold some of these senior positions in this department.

The Portfolio of Internal and External Affairs - The Royal Cayman Islands Police Force. I feel we have a good police force and that they are doing a good job. The Commissioner and his Officers must be congratulated on the job that they are doing. I also pleased, even though we continue to hear that it is still difficult to recruit young Caymanians to the Force, it appears that that problem is becoming less difficult. I remember about a year ago when the Members of the Backbench were touring the Police facilities and I was very impressed with the young class of cadets or trainees that we saw.

It was very encouraging and what is also promising is that many of our Caymanians are now moving up into the senior positions. Hopefully, one of these days through proper training and exposure our two senior positions will be filled by Caymanians.

Under the Prison Department, in my opening remarks I did mention the problem of serious overcrowding especially on the male side of the Prison. It really pains my heart every time I visit Northward Prison, and I try to make it as frequent as I can, when I see the number of young Caymanians who are in prison, also the number of West Bayers who are there. I feel that the present situation at the Prison is a direct result of the failure of the present Government to meet many of the social issues that we are faced with in this country.

A year ago I moved the motion calling for the establishment of a proper educational programme in the Prison and the expansion of the technical programme because if you were to do a survey of those persons who are in prison, and I hope to do that one of these days, you would probably discover that 60 or 70 per cent of the prisoners at Northward Prison do not have a High School Diploma.

This is one of many reasons why they are at Northward. Many of them have become frustrated because they do not have the ability to go out and find a good job because they are deficient in their academic qualifications. While they are in prison it makes sense that these persons are exposed to some type of further educational programmes.

I believe it was a year ago when we visited Northward Prison with the permission of the Director that as we were walking through we were introduced to a small class of inmates who were attending school. The programme at the time was being run on a voluntary basis by a Prison Officer, who I believe had a teaching background. That is commendable but I feel with the resources that we have available in this country and with the number of Caymanians we imprison every year, a proper programme must be established under the supervision of the Education Department and properly funded by Government. Those persons who are not academically inclined should be allowed, or forced, to learn a trade while they are in prison. I remember some years ago there was a display of those articles and things which were made by prisoners at Northward Prison. The display was impressive indeed.

While they are at Northward Prison they could learn a trade in carpentry, plumbing, mechanics, or as an electrician so that when they are eligible for release they have the proper skills to be able to go out there and find employment. The number of prisoners who are repeat offenders is also alarming. One of the main reasons for that is when they are released if they do not have a skill and cannot find a job, they resort right back to the same practices which put them in Northward Prison in the first place. So we must give our young people and our Caymanians who find themselves in this situation an option.

I also feel that a proper programme must be established to assist a prisoner before he is released, in securing employment. As I mentioned before this is one reason why we have such a high percentage of repeat offenders. People come out and they cannot find a job so they get back into trouble and go back to prison. I also believe that the drug counselling programme which is made available at the Prison should be expanded. Not only expanded but it should be required that those prisoners who are there on drug abuse charges should be obligated to attend those classes or counselling sessions. I know the philosophy is that unless they really want to get out of drugs, or kick the habit, it will not work but it cannot do them any harm to obligate them to attend these sessions.

One of the issues in my 1988 campaign was the establishment of a proper local rehabilitation centre. The Member for Health refuses to accept the necessity of such a facility locally. That is the only solution and the best way of addressing the needs of those persons who have to take advantage of that type service.

At the present time we are told that those persons who need it are sent to Hazelden in Minnesota, but that is a very expensive alternative as far as drug rehabilitation is concerned. What it also does is to limit the number of persons who are offered the privilege and opportunity of travelling abroad

for these services. If we had a local facility, and what is important to recognise we do not need to spend \$4 million or \$5 million on any elaborate building. I remember visiting a rehabilitation centre in Arkansas and the facilities there were not that impressive but the programme was effective. So I believe that you could establish a local centre at a reasonable price then we would be in a position where all those persons who need help could be referred to this centre.

The other disadvantage of sending our people abroad is that they are in a totally different environment. They do well as long as they are in that environment but the minute they hit Cayman they go right back to the same environment and the same people. The chances are that nine out of 10 of those persons will go right back to drug abuse. If we had a facility locally you could treat those persons in a local Caymanian environment and if, upon being released, they have such a relapse it is much less expensive putting them back in the centre than sending him abroad.

**MADAM SPEAKER:**  
House will be suspended for 15 minutes.

Would this be a convenient time to take the suspension? The

**AT 3:33 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 3:56 P.M.**

**MADAM SPEAKER:** Please be seated. The Third Elected Member for George Town continuing the Debate on the Throne Speech.... West Bay. What did I say? I am sorry. I am shifting you around. I do apologise.

**MR. JOHN D. JEFFERSON, JR.:**  
Bay yet.

Thank you, Madam Speaker. I am not prepared to leave West

Madam Speaker, when we took the break I was dealing with the Prison Department and the need for establishing proper programmes in an effort to train our people so that once they are released they are able and equipped to find employment and hopefully, with a system to adjust back into society and lead a different way of life.

What is of interest to me, especially in light of the cost of running the Prison, is that some 36 per cent of convicted prisoners at Northward were non-Caymanians. Now I am not a lawyer but what I would hope could be pursued is some arrangement where an exchange programme is in place for prisoners who are foreign nationals convicted locally, where they are able to be sent back to their homeland to serve those prison sentences. If you take 36 per cent of the prison population away from what we have at the present time then immediately, we do not have a problem of overcrowding at the Prison. It would also reduce the cost to Government of running this Department.

I also support the recent amendment to the Prison Law which reduces the period of eligibility for consideration of parole from half of the prisoner's term to one-third, which I mentioned in my debate on that issue, is in line with what is currently the practice in the United Kingdom. I think it gives those prisoners who recognise that they have made a mistake and who want to get back into society and who are considered favourably by the Parole Board, a quicker opportunity to make that adjustment. So I support that and I want to thank the Third Official Member for bringing that very important amendment.

Broadcasting. Radio Cayman has had another good year and has expanded their FM services and still continues to cover at least 90 per cent of its recurrent expenditure. The Department is carrying itself to a major extent and the Director and his staff must be complemented for the high level and standard of the quality of services which are broadcast on Radio Cayman. I found it amusing that on the issue of television which was so hotly debated in this House (I believe it was a year ago) that rather than making a decision on the granting of one franchise, Government decided to approve all applications for licenses of television, knowing full well that there is no room in our society for three local television stations.

The Civil Service. The Management Services Unit I feel is doing a good job as far as controlling the expansion of the Civil Service. I am also pleased to see that the Training Unit is being very effective as far as in-service training is concerned. I am also impressed with the number of civil servants who are in training at the present time. I think that is commendable and should be encouraged. As a matter of fact, any civil servant who has the ambition to not only make himself available to in-house training but has the desire to go abroad to improve his qualifications, should be encouraged. I feel that is the only way that we are going to be in a position to improve the Caymanianisation of the Service.

I feel that the time has come when we need to look seriously at the size of the Civil Service. What I feel should be the objective now is to properly train, streamline it and not be in a position where the Service is a dumping ground for personnel, as has been the case over the years. The Service should be very selective with regard to its recruitment and be in a position to have qualified and effective civil servants. We will hopefully be in a position where we can pay them then what they are worth by way of a salary and other benefits. At the present time that is very difficult because of the number involved.

I hope that the Management Service Unit will continue to make this an objective as far as trimming the Service, improving its efficiency and also upgrading the qualifications of our civil servants.

The Portfolio of Tourism, Aviation and Trade. It says here that 1991 was a difficult and competitive year for tourism world-wide but particularly in the Caribbean and that the total number of tourist air arrivals had dropped by 6 per cent but that cruise ship arrivals rose by 46 per cent. Tourism plays a very important role in our society. It is one of the pillars of our economy, that is, tourism and finance, or

banking. It provides employment for a large number of our people. So it is very important for us to be in a position where we remain competitive in this area and as a tourist destination.

I mentioned in my contribution to the Budget Address in November, that one of the common complaints I hear is that, we, as a destination have become too expensive. You know, and I am quite sure that the Member for Tourism recognises this, there are so many different destinations at the present time which are competing for that tourist dollar.

The average American visitor (and I think something like 80 per cent of our visitors come from the United States) when he is thinking about taking a vacation to the Caribbean, if he has not been to the Cayman Islands before, when he visits his travel agent and says, "I want to go to the Caribbean, let me see what you have available, " chances are that even though you and I are aware of some of the problems which exist in some of the other Caribbean destinations, that visitor is going to base his decision strictly on the cost.

When you are talking about comparing a visit for one week to the Cayman Islands, I am not sure of how much it would cost but let us say that it would be \$1,000 for a package deal, and you have the alternative of going to Montego Bay or Ochos Rios for \$350 or \$400, chances are that visitor is going to go to Montego Bay even though the Cayman Islands stand head and shoulders above any Caribbean destination as far as its people are concerned, as far as its beaches, water, dive sites and the other attractions, and the fact that we are a safe destination. Still that visitor is going to visit one of the other destinations.

I think for too long now the private sector, that is the hotels and condominiums, have sat back and depended upon the promotion and the expenditure of the Cayman Islands Government in order to fill their rooms rather than being in a position where on an annual basis they budget a certain percentage of their funds for promotions. The time has come when more of a joint effort is necessary because advertising and promotion is very expensive.

I feel that because they benefit from visitors here they should play their rightful part. What should happen is that a joint effort, as far as sitting down in establishing symposiums, conventions and seminars, or whatever you want to name them, where representatives from the Tourism Department and the Hotel and Condominium Association, the restaurants and all other entities who are interested or employed in the tourist sector get together and discuss their product, the services available and the cost of those services to our visitors.

I was surprised to be told by the Member that an effort of this nature was attempted to be organised the other day by Government and something like one or two persons from the private sector who are involved in tourism showed up for that meeting. With conditions being what they are now, I feel that maybe another attempt should be made in this direction and I am quite sure that the response will be much better than it was the first time.

I understand one manager of a large hotel here told his Board, "I cannot operate an empty hotel and I am recommending that we cut rates in order to attract visitors." That is what I am talking about. It is probably better for a hotel to be filled by offering a 15 or 20 per cent discount on rooms and services, than to keep their prices at the level at which they are now and have the percentage of vacancies which now exist on those properties.

What is also making it much more difficult is that every year we keep adding additional rooms which are available to the tourist but it appears that we do not have the number of flights or airline seats available to fill those rooms. So there must be a compromise, a joint effort, if we are going to continue to enjoy the benefits of tourism as we are accustomed to enjoying in this country.

I feel also that more emphasis and effort must be placed on establishing or developing further tourist attractions. I used to be in that business so I know what I am talking about. When I was involved in the tour business, even though you could take your cruise ship passengers to Hell or the Turtle Farm, Seven Mile Beach or the Conch Shell House, the number of tourist attractions in the Cayman Islands are very limited. I think we could do more in order to expand the number of these attractions. When a visitor arrives here, what he is interested in is to maybe learn a bit about our history and some of the old homes and other unique aspects of our society. I must commend Government for taking steps the other day to purchase the old Pedro Castle. I think, if done properly, this could be a valuable tourist attractions. Not only a valuable one but an attraction which would be able to carry itself financially.

The Backbench has also suggested that Government consider pursuing the possibility purchasing the area known as Hell which the idea of developing that area further. It is very expensive and cost has to be a consideration. The other attraction I feel should be developed is the Blow Holes. It is amazing the number of visitors, if you drive out to East End, you see parked along the ironshore watching the Blow Holes. I think what they could do is to expand or construct a little platform with a guardrail where people can stand and safely view the Blow Holes. Maybe also construct steps because I have seen a number of visitors attempting to get down there to have a closer look at these Blow Holes. So it does not take a whole lot but these things are very important as far as our tourists are concerned.

I am also pleased to see that a contract has been awarded for a 10 Year Tourism Development Plan. I await the recommendations of the consultants and I hope that the investment will be worth it and we could gain some good recommendations for improving tourism and our services in the Cayman Islands.

Civil Aviation. The Civil Aviation Department continues to be an example of a well-run department which is managed by a Caymanian. I would like to continue to compliment the Director and his staff on the fine job that they continue to do in this area.

At the present time work is underway to resurface the present airstrip. I think this is necessary but at the same time, and it is mentioned in the Throne Speech that it is planned, it

is necessary for us to seriously consider extending the length of our airstrip. I think if we do that we will be in a position to attract airlines from destinations maybe a little further away, and also some bigger carriers to the Cayman Islands who would probably be in a position to bring additional visitors to our shores. So I feel that it is time for us to look seriously at extending our airstrip.

Trade and Labour Department. I want to say from my experience that the Director of Labour and his staff continues to do a good job under some very trying circumstances. I think every assistance should be provided to enable him and his staff to do a much more effective job.

As I understand it, one of the short-falls which he has to work with is that under the Labour Law he has very little authority. His role at the present time is to basically go out and try to solicit the co-operation of the employer. If the employer refuses to do what he is told, as far as compensating an employee or reinstating an employee who was unfairly dismissed, at the present time if that employer refuses to do that then there is a long, drawn-out process which must be pursued, which I think even ends up in Court sometimes. Maybe the Labour Law could be reinforced to give him much more authority to enable him to do a better job as far as his responsibilities are concerned.

We have added some inspectors to that Department but I feel that it is necessary for us to appoint additional inspectors if we are going to have a programme in place of frequent visits as far as members of staff are concerned going out and visiting the hotels and condominiums and the other establishments, especially those who are collecting and are responsible for distributing gratuities. I think it would enhance their effectiveness and I am hoping that a schedule or programme of frequent and routine inspections is put in place in order to ensure that our people, that is, employees and Caymanians, get what is rightfully theirs.

The Labour Office also has a very important role in ensuring, through the communication with the Caymanian Protection Board, that qualified Caymanians are given preference in employment in this country. So the Labour Department is doing a good job and I feel that we should continue to stand behind the Director and his staff and give them whatever support they may need in order to put them in the position where they can continue to do a good job.

I do not want to anticipate anything but this was an issue which was addressed before and I await the response when it is tabled, but I think personally, that the time has come, and we have called for it before, to where the Labour Department must be in a position to establish a proper formula for the distribution of gratuities.

I remember the time when I piloted that motion from the information available, as a result of a question, we learned that there were some dozen different formulas in place and they were all considered acceptable. That cannot be the case. I feel if a formula is established by the Department and is handed down to the respective establishments that we will be in a much better place to avoid confusion and abuse in this area. So a joint effort is necessary in the area of tourism and we must be in a position, as legislators, to give the Department and its respective divisions whatever assistance they need in order to do a good job.

The Fire Service is another example of a well-run Government Department. The Chief and his staff have to be continually congratulated for the fine job they are doing and the high level of service that is maintained and made available to the general public. It was very positive the way they responded and handled the little emergency we had involving Cayman Airways when they had their little incident. So the Fire Service continues to play a very important role. I want to say that the Chief and his staff have my support for the fine job which they continue to do. The other thing that is outstanding about this Department is that despite all of the other excuses we hear from the other Departments, this Department is almost, totally, 100 per cent Caymanian.

Cayman Airways....

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

**MADAM SPEAKER:**  
motion for the adjournment, please?

Would you break at this time? It is 4:30 p.m. May we have the

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I move the adjournment of this Honourable House until 10:00 a.m., Monday morning, 24th February.

**MADAM SPEAKER:** The question is that this Honourable House do now adjourn until Monday morning, 24th February, at 10:00 a.m. I shall put the question.

**QUESTION PUT: AGREED.**

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
MONDAY, 24TH FEBRUARY, 1991.**

**MONDAY  
24TH FEBRUARY, 1992  
10:12 A.M.**

**MADAM SPEAKER:** Prayers by Third Elected Member for West Bay.

**PRAYERS**

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

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the 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. 35, the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 35:** Would the Honourable Member outline the procedure at Northward Prison for the purchasing of merchandise and by whom delivery is made?

**ANSWER:** Required items of merchandise are initially requested by the principal officer responsible for the particular cost centre. He justifies the purchase to the Higher Executive Officer (Accounts/Budget Officer), who then issues a purchase order. Major purchases (over \$500.00) are first confirmed with the Director or Deputy Director before a purchase order is issued.

Deliveries are made in the following ways: (1) large purchases made locally are delivered by the supplier; (2) small items or small orders are purchased and collected by the staff purchasing; (3) items purchased overseas are shipped by air/sea accompanied by their invoice and collected by the prison driver (small orders) or local trucking service (large orders).

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say if when purchases are made if there is a system whereby these purchases are logged into Northward Prison and the persons responsible for the work or wherever these purchases are routed have to sign to say that they have received them, so that some record is kept of intake and outflow?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, purchases are signed for upon delivery by the person receiving the goods purchased and these items obviously have to be checked in order for the person signing to be satisfied that he is signing for the receipt of the correct quantity.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.



**MR. ROY BODDEN:** Thank you, Madam Speaker. In cases where materials have been ordered for certain specific jobs, is there any system whereby a supervisor or some other officer is so designated as to check that specific job to see that the materials and equipment were in fact used on that job?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, the Principal Officer responsible for that particular centre, wherever the project is attached, is an officer of a supervisory rank who is held responsible for all materials delivered to the project within his control.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say in the case of purchasing items like television sets, is there some sort of cardex held at the Prison whereby each set would be accounted for?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, every item of furniture is inventoried and is kept up to date.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Am I to understand from the Member, is he saying then that the Deputy at the Prison is the individual who should be in control of this?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker. What I am saying is that the Department has a system of inventory and every item that is purchased of an inventory nature is added to the inventory and every item which is removed from inventory is taken off of the inventory in such a manner as to maintain a current list of all items of inventory in the Department. The Officer responsible for maintaining the inventory I did not identify because I do not know which Officer is responsible for the Departmental inventory.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, to the Member. In the case of shipments from overseas, who is responsible for preparing the customs documents? Is it the driver or somebody else?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I am not sure who is responsible for the preparation of the customs import entries. I could undertake to determine that information and to supply it in writing.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Can you say whether the inventory system is computerised, or whether it is the card system, and how often is a physical inventory check taken normally?

**HON. J. LEMUEL HURLSTON:** The system is a manual system and it is checked periodically and not less than once a year.

**MADAM SPEAKER:** The next question is No. 36, standing in the name of the Elected Member for East End.

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

**NO. 36:** Would the Honourable Member say who is responsible for the subjects on the "Open Line" programme aired on Radio Cayman?

**ANSWER:** The subjects are normally chosen and researched by the Deputy Director, who is the programme producer and host, in consultation with the Director who is ultimately responsible.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Elected Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say if any thought has been given to perhaps setting up a panel to select subjects? My second question is has the public been invited to suggest sensible subjects for this "Open Line"?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the idea of a panel has never been mooted. I have certainly never given it any consideration. I do not know whether the Director of Broadcasting, the Deputy Director, or the Department generally has ever considered it as a possible approach. Certainly members of the public are open to submitting ideas for consideration. There is nothing to prevent a member of the public from

suggesting an appropriate topic and it would be considered.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Would the Member perhaps consider whether it was appropriate to ask "Open Line" to ask the public whether they would like to have a panel rather than just one person doing it?

**HON. J. LEMUEL HURLSTON:** Now that the suggestion has been made, Madam Speaker, perhaps the Department will consider including this on one of its appropriate topics to try and get a "feel" for what the public would desire.

**MADAM SPEAKER:** The next question is No. 37, standing in the name of the Elected Member for East End.

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

**NO. 37:** Would the Honourable Member state the reason for the selection of the subject relating to the various registered religions in these Islands which was aired on Monday, 3rd February, 1992?

**ANSWER:** There are some 90 religious congregations in the Cayman Islands, with our present population of 28,000. In research for suitable subjects, it was found that there are concerns in the community about the proliferation of religious groups in the Islands. Thus, the reason the subject was chosen.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say is it not correct that regardless of the religion, if the teachings are followed, they do make a good contribution to the country, therefore we should separate them from things like "Open Line"?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, that is a point of view and a matter of opinion. The Department and the radio station decided that there was sufficient concern in the community as to merit and warrant a discussion. The objective of the programme was not to arrive at any consensus or conclusion, it was to facilitate dialogue and discussion.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say if any thought has been given by those concerned with "Open Line" with regard to taking the same stand concerning the various and many bars on this Island?

**HON. J. LEMUEL HURLSTON:** If that has not yet been the subject of a topic, I could second that as a very good idea.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, the Member mentioned the concerns about the many religious groups here. I wonder if he can tell us what these concerns were?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the concerns were that for a small community of 28,000 people there seems to have been in recent times a rather rapid expansion and the development of new congregations of various religions practising in the Islands. The policy of the Government is that whereas there is freedom of religion - and we know that the Good Book says, "Where two or three are gathered in His name there shall He be also" - the policy of the Government is to welcome the growth of religious activity from within the community and wherever possible to provide that leadership from within the community. Wherever that is not possible an external leadership has to be secured, then the appropriate permits, etcetera, can be granted.

What the Government is opposed to as a matter of policy is the allowing of persons to come from abroad to establish new religious groups within the Islands with a view to attracting membership from within the Islands. If a group of Caymanians already worshipping in the Islands are in need of religious leadership and direction then that group can certainly establish themselves. We are not in the business of welcoming persons coming from abroad to establish new churches in the Islands.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us exactly what is necessary for those groups that were mentioned to have in place in order to set up some sort of

church following?

**HON. J. LEMUEL HURLSTON:** What is necessary is for a group of Caymanians to establish themselves into a recognised congregation and to provide such guidance and teaching as they can from among themselves and then, and only then, if external guidance and leadership is deemed necessary would the Government welcome the introduction of leadership from abroad.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** In other words then, the Member is telling us that all of the various religious groups that we have heard about have followed the correct chain of command and were granted the correct permission to start up whatever you may want to call it, a business or whatever?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker. Generally speaking the growth of churches has come from within the Islands. However, there is a tendency that is quite prevalent in recent times of congregations to split. It is in the splintering of congregations and the development and springing up of new congregations from within existing congregations, known as schisms, that the concern of the particular subject that was discussed on "Open Line" was raised. The act of worship is free. The practising of religion is free but when you get schisms, splinter groups and break-away groups developing within your religious community then it is time for someone to begin to take a look at the need for those splinter groups and the benefits that are derived therefrom.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member tell us how he would achieve this without really interfering with freedom of worship?

**HON. J. LEMUEL HURLSTON:** It is achieved quite easily by satisfying oneself that the groups are substantially Caymanian and where there are groups of indigenous Caymanians worshipping there is no difficulty in controlling it. It is when you get groups of non-indigenous Caymanians that things begin to get a little bit out of control and it is some of those groups that are beginning to raise questions of concern.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. But certainly if this is the situation it would seem to me that the place to nip this in the bud is where a licence has to be granted.

**HON. J. LEMUEL HURLSTON:** Absolutely, Madam Speaker. That is where the matter is dealt with. There is no licensing required for the coming together of a group of persons to worship. The only time that a licence is required is when that group is desirous of importing leadership on a work permit, then a licence is required.

**MADAM SPEAKER:** The next question is No. 38, 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 ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE**

**NO. 38:** Would the Honourable Member state whether any appointments at supervisory or managerial levels have been made within Cayman Airways Limited over the last three months and, if so, how many by job titles?

**ANSWER:** Over the last three months four new appointments were made in Cayman Airways at supervisory/managerial levels, as follows -

- one internal promotion to Duty Manager, Owen Roberts Airport;
- one internal promotion to Supervisor of Information Services;
- one internal promotion to Manager of Advertising & Public Relations;
- one appointment to Manager of Ground Handling.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Could the Member say if all of these appointments were Caymanian persons or were they non-Caymanian?

**HON. W. NORMAN BODDEN:** Madam Speaker, two of them were Caymanian, that is the Duty Manager at Owen Robert's Airport and the Supervisor of Information Services. The promotion of Manager of Advertising & Public Relations was from the United States and the Manager of Ground Handling was from the

United States.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if these appointments followed on strict investigation into the need for them, in keeping with what was recommended in the CAL Report of recent times?

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker, three of them were persons already employed by the airline who were promoted and the fourth one which was a new appointment was considered as necessary by the management of the airline.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, did these four appointments result in the addition of four new bodies to the staff, or were the places filled at the bottom by existing staff? In other words, was the total staff increased by four?

**HON. W. NORMAN BODDEN:** No, Madam Speaker, the staff was increased by one, as the first three were already employed and just promoted within the company.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could give this House the number of staff members presently employed with Cayman Airways, including the new appointments?

**HON. W. NORMAN BODDEN:** The number is 368.

**MADAM SPEAKER:** The next question is No. 39 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 ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**

**NO. 39:** Would the Honourable Member say whether the Governor has designated a "place-of-safety" for juveniles in Grand Cayman, Cayman Brac and Little Cayman?

**ANSWER:** There are four places of safety for juveniles designated under the Juveniles Law of 1990. These are: the Francis Bodden Girls' Home; the Bonaventure Boys' Home; the George Town Hospital; and the West Bay Police Station. There are no places of safety so designated in Cayman Brac or Little Cayman.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say if any thought has been given to the designation of places of safety in Cayman Brac and Little Cayman considering the fact that unfortunately juvenile problems are on the increase in those two Islands?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, it is under active consideration because of the increasing problems with juveniles in Cayman Brac and it should be completed within the next two or three weeks.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Could the Member say why the West Bay Police Station has been designated as the Juveniles Law makes it abundantly clear that juveniles should not be associated with the police or any of the uniformed areas? They are to be kept separate.

**HON. D. EZZARD MILLER:** Madam Speaker, I think they use the West Bay Lock-up so they can in fact separate them from the adult prisoners but that is not the only place now. There are three other places of safety designated. Obviously there is an element that they feel they need to have in that kind of environment but they are never mixed with adult prisoners.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, I believe my question has been partly answered. What I wanted to find out is if it is correct that the regular prisoners are also housed at the West Bay Police Station along with the juveniles?

**HON. D. EZZARD MILLER:**

are never mixed with adult prisoners.

No, Madam Speaker. The information I have is that the juveniles

**MADAM SPEAKER:**

The Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, could the Member say if the recent case where a juvenile was incarcerated in Cayman Brac, in recent weeks, was it the case then that this juvenile was actually held in a place not designated as being fit or legal for him to be?

**HON. D. EZZARD MILLER:**

Madam Speaker, I could not answer that question with any degree of certainty because I am not familiar with what happened in that specific case.

**MADAM SPEAKER:**

The Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:**

My information is that the juvenile was locked up in the jail at the Creek Police Station in Cayman Brac and I was wondering if then was that child detained in a place where he should not have been?

**HON. D. EZZARD MILLER:**

Madam Speaker, I guess it is correct to say that the Creek Jail is not presently designated under the Juveniles Law as a place of safety for juveniles.

**MADAM SPEAKER:**

The next question is No. 40, 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 ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES**

**NO. 40:** Would the Honourable Member say what restrictions there are on burials in private cemeteries in the Cayman Islands?

**ANSWER:** There are no restrictions on burials in private cemeteries, except that the Environmental Health Section requires that vaults are constructed of concrete blocks and masonry and that they are completely enclosed.

**SUPPLEMENTARY:**

**MADAM SPEAKER:**

The Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:**

Would the Member then say that it would be correct that all of the various private cemeteries which exist in the Cayman Islands including those presently very near to dwellings could be used as places of burial by those who own such plots?

**HON. D. EZZARD MILLER:**

Yes, Madam Speaker.

**MADAM SPEAKER:**

If there are no further supplementaries, the next question is No. 41, 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 COMMUNICATIONS, WORKS AND AGRICULTURE**

**NO. 41:** Would the Honourable Member state (a) the number of demonstration farms there are at present; (b) how long they have been in existence; and (c) the current cost to operate them?

**ANSWER:**

- (a) There are two Demonstration Farms operated by the Department of Agriculture. These are located at Smith Road and Lower Valley.
- (b) The Smith Road Demonstration Farm came into existence in 1971 while the Lower Valley Farm began operation in 1976.
- (c) The projected cost of operating the Demonstration Farms for 1992 is \$57,500.00.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Supplementary, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Can the Honourable Member say what are the benefits of these farms and what is the amount of money gained from the operation of the farms?

**HON. LINFORD A. PIERSON:** The answer, Madam Speaker. Benefits derived from the farms. The demonstration farms are to serve as model for enhancing agricultural production on the Islands through the following:

- (a) provision of applied recommendations for farmers based upon the results obtained from field trial carried out to test new varieties;
- (b) improved agricultural practices; and
- (c) by ensuring efficient utilisation of existing land and water resources the farms are to function as centres to demonstrate to farmers the improved methods of production tested.

Since this methodology is beyond the purview of most farmers, the Department of Agriculture has undertaken the development of such programmes which are designed to allow Cayman farmers including backyard growers, to base their management decisions on reliable information.

Under the (b) section of the supplementary revenue derived from sales of produce to the Farmers' Market in 1991 was \$12,166. Sale of seedlings generated \$234.80. In 1992, the sale of planting material, especially the new tissue culture banana plant, is expected to return an additional \$10,000 to revenue.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member tell us of anything specifically that is being done, for example, are they demonstrating how any particular vegetable or fruit trees are grown, or anything like that? He made a statement that was general. I am wondering if he can tell us of anything particular that is going on?

**HON. LINFORD A. PIERSON:** Madam Speaker, the Department of Agriculture has recently launched a quarterly newsletter called "Agriscope" in which the results of various investigations are being carried out and are contained in that newsletter. Just at the beginning of last week or the middle of last week, I circulated copies of this newsletter to all Members of the House including the Second Elected Member for Bodden and this will give him, if he reads it, a clear indication of what is being done.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, I am trying to help the Member and I am asking him to help the public by letting them know what he is doing. If he is doing nothing, well, that is fine with me.

**HON. LINFORD A. PIERSON:** Madam Speaker, I am not sure how to answer that statement. I can only say that we are trying to inform the public. We have just, as I said, entered into this newsletter which is made public and it would be too long for me to read through it but I will in fact, ask the Director of Agriculture to try to get this in as many hands, especially the farmers', as possible.

**MADAM SPEAKER:** The next question is No. 42, 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. 42:** Will the Honourable Member say what is the estimated cost per child to attend a correctional institution on the United States of America, as proposed in the Youth Services Review?

**ANSWER:** The Youth Services Review carried out by The Villages Inc., speculates that overseas residential treatment for troubled youth could cost as much as US\$100,000.00 per year, per child, depending upon the type of facility chosen.

It is anticipated that the Portfolio will develop a contractual relationship with institutions representing a broad, band spectrum of services and it is also anticipated that such an agreement will result in discounted rates and preferred pricing.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, thank you very much. Is the Member saying then that he is not going to provide any local facility that can have the kind of services that these young people

need?

**HON. D. EZZARD MILLER:** No, Madam Speaker. Several forms of services will be provided locally. It is only the actual apex of the pyramid of services which are intensive services, that will be referred overseas.

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

**MR. W. McKEEVA BUSH:** When he says intensive services, what does he mean, Madam Speaker?

**HON. D. EZZARD MILLER:** High level psychiatric, or psychological treatment, or in some cases where people need to be confined to some forms of correctional institutes for short periods of time.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. The Member, is he planning to construct or provide some sort of remand facility?

**HON. D. EZZARD MILLER:** Some forms of remand facilities are under consideration for addition to the two group homes which presently exist, the Francis Bodden Girls' Home and the Bonaventure Boys' Home.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Would the Member say whether he is considering building a local equivalent facility here of the Villages Inc., and secondly, has this thing been out for competitive bid to the different places and countries that provide these services?

**HON. D. EZZARD MILLER:** Madam Speaker, we already have facilities locally, comparable to what the Villages have, in our group homes. No, it has not gone to any competitive bid. There is a team from the Social Services Department which has visited five institutions. I have not yet received the report.

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

**MR. W. McKEEVA BUSH:** Madam Speaker, the Member has talked about some additions to the Francis Bodden and the Bonaventure Homes. Can he say what types of children he intends to have remanded there?

**HON. D. EZZARD MILLER:** Madam Speaker, Members, I have copies of the Youth Services Report and the pyramid of care starts off at the community base on a level with voluntary care and it moves on up the pyramid. It would be the people just below the top of those who would be sent overseas.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Madam Speaker, the Member has quoted a figure of US\$100,000 per child. Can he say for how long this will be and how many children does he foresee will need to be sent overseas?

**HON. D. EZZARD MILLER:** The longevity of the treatment plans vary from three to six months per child and we are presently estimating that between four and six children would qualify for that kind of treatment.

**MADAM SPEAKER:** If there are no further supplementaries, the next question is No. 43, 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. 43:** Will the Honourable Member say what is meant by "the George Town Clinic will be a referral base for district out-patient services" as mentioned in the Policy Analysis of the new Hospital?

**ANSWER:** At the present time, patients are seen at the district health clinics on a primary care basis, by visiting doctors. They are referred to the George Town Hospital for diagnostic services and specialist consultation.

Once the new Cayman Islands Hospital, with in-patient and emergency service, is commissioned, the George Town Hospital will become the George Town Health Centre and, in addition to primary

care services, will continue to cater to the referral and diagnostic needs of the district health clinics - as it does now. Patients who need to be admitted to hospital, or in need of emergency services, will be referred directly to the new hospital.

- SUPPLEMENTARIES:** Supplementary, the First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Then the Member is saying categorically that only in-patient services will be met at the proposed new Hospital?
- HON. D. EZZARD MILLER:** Yes, Madam Speaker, and emergency.
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Madam Speaker, does the Member consider that he still has two sites, one for in-patient and one for out-patients?
- HON. D. EZZARD MILLER:** Yes, Madam Speaker, but in any international health circles, "hospital" refers to in-patient only.
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Does the Member have any idea of what the cost will be?
- HON. D. EZZARD MILLER:** Is the Member referring to the recurrent cost of the out-patient clinics?
- MR. W. McKEEVA BUSH:** Yes, Madam Speaker, both.
- HON. D. EZZARD MILLER:** Not a great deal more than what it presently costs to operate the Hospital and the out-patient district clinics. The consultants are recommending that we are going to need an additional 14 full-time employees (FTE) to manage the new institution.
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** I do not know whether this question will be out of scope but can he say what the staff complement will be at the George Town Health Centre?
- HON. D. EZZARD MILLER:** The same as it is now in the out-patient section of the Hospital.
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** How much is that, please?
- HON. D. EZZARD MILLER:** I do not have a specific breakdown of the staff here but I could undertake to get it and circulate it?
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Yes, Madam Speaker, as long as it does not take six months to get it.
- MADAM SPEAKER:** Thank concludes Question Time for today. The next item, Government Business, Bills, Third Reading.

## GOVERNMENT BUSINESS

### BILLS

#### THIRD READINGS

##### THE PRISONS (AMENDMENT) BILL, 1992

**CLERK:** The Prisons (Amendment) Bill, 1992.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move that the Prisons (Amendment) Bill, 1992 be given a Third Reading and passed.

**MADAM SPEAKER:** The question is that a Bill entitled the Prisons (Amendment) Bill,



1992 be given a Third Reading and passed. I shall put the question.

QUESTION PUT: AGREED.

**THE PRISONS (AMENDMENT) BILL, 1992 GIVEN A THIRD READING AND PASSED.**

**THE PENSIONS (AMENDMENT) BILL, 1992**

CLERK: The Pensions (Amendment) Bill, 1992.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I move that a Bill shortly entitled the Pensions (Amendment) Bill, 1992, be given a Third Reading and passed.

**MADAM SPEAKER:** The question is that a Bill entitled the Pensions (Amendment) Bill, 1992, be given a Third Reading and passed. I shall put the question.

QUESTION PUT: AGREED.

**THE PENSIONS (AMENDMENT) BILL, 1992 GIVEN A THIRD READING AND PASSED.**

**MADAM SPEAKER:** Debate continues on the Throne Speech, the Third Elected Member for West Bay continuing.

**CONTINUATION OF THE DEBATE ON THE THRONE SPEECH  
DELIVERED BY HIS EXCELLENCY THE GOVERNOR  
MR. ALAN J. SCOTT, CVO, CBE  
ON FRIDAY, 14TH FEBRUARY, 1992**

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. When we adjourned on Friday, I was about to address the issue of Cayman Airways. For many months, even many years, Cayman Airways has been a political topic. Much has been said in support of and against the role and necessity of the national airline, Cayman Airways. Let me say from the outset that it is my opinion that Cayman Airways is a vital element, a necessity for our continued growth and prosperity here in the Cayman Islands.

Let me first offer my congratulations to Mr. Leonard Ebanks of West Bay on his recent appointment as Acting Chairman of Cayman Airways, and just add that I am confident that he is both qualified and capable of doing a good job. I feel that the approach to Cayman Airways at this stage is that we have to get back to basics. We must first establish, as was recommended by the consultants, that a Mission Statement is established for the airline, that is, what is the real purpose of our national flag carrier. It has always been my understanding that the role of Cayman Airways was to ensure that we have a reliable air transportation service to and from the Cayman Islands.

Madam Speaker, I feel that once the Mission Statement is established then equipment and staffing of the airline should be brought in line with this objective. I feel that one of the problems we have had with Cayman Airways has been caused by the fact that the airline has lost sight of its objectives and instead has attempted to be the air transportation savior to many different destinations. It also has the image or concept that it can compete with the large international carriers such as American Airlines which has resulted in the airline acquiring equipment which is very expensive and which it cannot afford.

I feel that steps must be taken now to streamline the airline and bring the expenses of the airline in line with what we can afford. I also feel that it is necessary, and this has been recommended by the consultants, that the management of the airline must be strengthened. We must appoint persons at the senior level who have the qualifications and the ability to run our national flag carrier.

We must reduce the amount of the monthly lease statements. As a result of a parliamentary question the other day, the information that we were given was that we are presently paying some \$924,000 per month in lease payments for jets for Cayman Airways. When you compare that with what the airline was accustomed to paying when it had its two 727s, the monthly lease payments have basically tripled. We cannot afford to continue to pay the sums that were outlined in the answer to a parliamentary question posed some days ago to the Member for Tourism when he said, I think, in 17 months we had spent some US\$19,414,677 for aircraft.

It has always been my feeling that an investment in Cayman Airways is a promotion of tourism and as long as the annual figure or subsidy that Cayman Airways demands from Government by way of subsidy is reasonable, and by reasonable I mean that we have been used to an annual subsidy of some \$1 million. I feel that is reasonable. I am also prepared, if the time has come where that subsidy has to be increased to \$3 million, even at \$3 or \$4 million per annum, I feel that it is a situation that we can continue to afford. But when we talk about the national airline spending the kind of money that it has spent since acquiring the 737s, I do not feel that we are in a position to continue to afford the airline at that level.

I feel that some unpopular decision are going to have to be made but which are necessary and essential. It is my attitude that we must do whatever is necessary to save our national airline. I look forward, once again, when the airline will be released from its present financial difficulties and where it once again is affordable as far as this country is concerned and continues to play its very vital role of providing a valuable and dependable air services to and from the Cayman Islands.

The Portfolio of Education, Environment, Recreation and Culture  
- Education. Madam Speaker, we have just recently embarked upon a new Five-Year Education Plan which is an

attempt to address some of the many problems that we presently experience in our public education system. I feel that the Plan, as proposed, and which calls for the expenditure of some \$32 million over a period of time, will do little to correct the present situation that we have in the schools.

I was appalled at the answers to some parliamentary questions raised last week on the problem of the lack of discipline in our schools, the incidence of crime and physical abuse. Also, the information with regard to the number of illegal weapons that is reported being carried to the school by students. Spending money to build buildings will do little to address this very serious situation.

I feel what is needed (and this is one of the recommendations from the Education Plan but one that we have recommended since we were elected in 1988) is the establishing locally a proper training centre for teachers where Caymanians can be trained as teachers to fill some of the many posts which must now be filled by foreign teachers. One of the things we must remember is that no one will care for our children like our own people. I feel that we must also re-introduce and reinforce the measures of corporal discipline in our schools because when I hear of the incidents of insubordination, threatening and intimidation of teachers and other students by some students, I feel that that situation would very easily be corrected if those who are responsible are taken in hand and dealt with through proper corporal discipline.

I can appreciate the position that the foreign teachers find themselves in because our society has changed. By that, I mean when we were going to school if the principal or teacher had reason to correct you or paddle you, it was considered a fact and a way of life. Today, if such measures are taken with regard to certain students, the possibility is that that student's parents are going to come to the school in an attempt to threaten the teacher or principal. Madam Speaker, if you have a principal like I did when I was at Secondary Modern, in the person of Mr. T. McField, it took a lot to intimidate him. Regardless of how big the boy or girl he always commanded respect because they recognised that if they stepped out of line, he was man enough to deal with that student.

I am also concerned with the number of incidents I have been advised of, that is, students with emotional problems and other learning disabilities. Just last week the First Elected Member for Bodden Town moved a motion calling for the appointment of a child psychologist. If we had such an individual on campus then many of the students who have these problems could be referred to that person or persons for proper counselling. I feel that we would be in a better position to address the many emotional problems our students are faced with in our public schools.

Madam Speaker, education is a very important area of our society and I feel that we must see a dramatic improvement in this area if we are going to be in a position to continue to produce the type of student we need in order to be able to train to fill the many positions which we are now required to fill from the outside. The other area under the Portfolio of Education that I would like to deal with is the issue of sports. Our national sports facilities in the Cayman Islands are appalling, to put it mildly. I have seen many articles in the papers addressing this issue but there does not seem to be a concern to address this problem. We need proper sporting facilities for our youth because sports are a healthy and wholesome activity and an alternative to drug abuse among young people. We need facilities for football, basketball, volleyball, netball, track and field, and we must also be in a position where we provide proper coaching in these respective areas.

One of the disadvantages that our athletes face when they go abroad to compete internationally is that they are competing against other athletes who enjoy these facilities and also who are trained by proper coaches. That makes a significant difference. I know, for example, in the Bahamas it is amazing the number of foreign coaches who are invited in annually to run clinics in their respective sports. As a result you have today players, especially in the areas of football and basketball, being recruited locally in the Bahamas by schools in the United States because of the level and standard of the sport that exists in that country.

Despite the fact that the Throne Speech mentioned that Government would continue to support sports, in the 1992 Budget the provision for sports, that is, the contribution or the grant from Government to the respective sporting associations was reduced rather than increased from \$186,000 in 1991 to \$150,000 in 1992. So, that is not an indication that Government has considered sports a priority.

You know, in order to provide proper sporting facilities it does not have to cost a great deal of money because for sports such as basketball, volleyball, netball, even track and field, you could have one facility built, that is an indoor facility, that could house all of these respective sports. As far as football is concerned, it does not take a whole lot of money because Government does have land available to build additional football pitches. What has to happen is that Government has to make a commitment and say, "Go ahead, put it in the budget and get the job done," and then pay somebody to maintain the facilities.

Madam Speaker, the National Archives I feel is beginning to play a very vital role in our society in that it is providing valuable information on our history which has been very scant in the past. It is fascinating to learn about our history. I feel it is necessary for people to know where they originate from, in other words their roots.

Public Library. I must acknowledge that much has been done to improve the present Public Library but I feel that these services must be expanded to the district level. There is no reason why each district in this Island cannot have its own Library where students and members of the public can go to read, do research and to study.

The Cayman Turtle Farm. The Farm continues to be one of our main tourist attractions. I feel that it was a wise choice by Government to actually acquire the Farm some years ago because the Farm not only pays for itself, but is an attraction as far as our visitors are concerned. The Farm is doing well in meeting the local demand also for meat.

Madam Speaker, I would now like to turn to the Portfolio of Health and Social Services.

**MADAM SPEAKER:**

Honourable Member, perhaps it will be better if we took the suspension before you start on that discourse. The House will be suspended for 15 minutes.

**AT 11:29 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:53 A.M.**

**MADAM SPEAKER:**

continuing the Debate on the Throne Speech.

Please be seated. The Third Elected Member for West Bay

**MR. JOHN D. JEFFERSON, JR.:**

Portfolio of Health and Social Services.

Madam Speaker, I would like to go on now to comment on the

The Member for Health and Social Services appears to have been obsessed over the past three years with his undaunted desire to build the new Hospital to the detriment of the other areas of his Portfolio, in particular the needs of the Social Services Department.

I am amazed at the growing demand that we have in the area of requests for housing and monthly allowances to the elderly. Every year we get the same argument being put forward that we do not have enough money to deal with these many requests. I would dare say that if the amount of money which has been spent on the plans for the new Hospital and the testing of the new site as far as practicality, had been spent in the area of Social Services, there would have been enough money to meet many, or the majority, of the requests and needs in this area. Many of our people are getting older who need assistance. Not only the elderly but many young people as well, have had tragedies and need assistance. For example, we are now working on some requests for housing assistance where, in particular, one young man lost his home to a fire and everything that he had was destroyed. Unfortunately, his house was not insured and he, or his family, is not personally in the position to rebuild the house on their own and need assistance from Government.

There are many of our older people because of the rising cost of living and their inability to continue to hold a job, they need their little monthly allowance. They also need assistance with paying some of their basic bills such as electricity. Many of these needs are not addressed because funds have been diverted to other areas by the Member. A large portion of those funds which should have been used for this purpose is going into building the new Hospital.

The Member has also failed to address the growing incidence of drug abuse in this country. He keeps saying that he has a programme, but every year the statistics in this area continue to climb. There is a need for a more comprehensive programme in place to fight the incidence of drug abuse. There is also a need for more trained counsellors to deal with our people who have problems with drug abuse. Despite the fact that the Member thinks otherwise, there is now a need for a proper, local rehabilitation facility which is accessible to all and not just by a favoured few, which is the present position with regard to overseas rehabilitation services.

The Member has failed also to establish a proper, local remand centre for our troubled youth. Since being elected, we have also pushed for the establishment of a local mental health facility which has not been addressed. Many of our people have problems in this area and we see them all of the time roaming the streets, unattended. Many of these people have met with tragedies on the roads because they were unattended or uncared for. We need a proper mental health facility, locally. The Member for Health needs to establish his priorities and deal with those needs in our society which are so prevalent.

I would like to go on to the Portfolio of Communications, Works and Agriculture. I do not have a lot to say about this Portfolio but I would just like to say with respect to the Planning Department that I am pleased now to see that this very important Department is headed by a Caymanian who appears to be doing a fine job as Director. The Public Works Department continues to have many demands made on it. I think the approach with respect to this Department is that it needs to maybe allocate, or contract out more of the work to the private sector in order that the level of service which we need in this country can be achieved.

Under the Water Authority I am pleased to see that the Cayman Water Company will soon commence its West Bay Water Supply Project and that it is scheduled to be completed within 18 months. I am also pleased to see that the contract for this work was awarded to the local firm of Arch and Godfrey.

On the Constitution I would just like to say that I am pleased to see that the new Constitution will be subjected to a political campaign and will only come into effect after consultation with the new Members after the General Election in November, 1992. I feel that is the way it should be. This is what we advocated from the beginning and I am pleased to see that is the route that will be taken on the new Constitution.

Madam Speaker, I would also like to offer my compliments to the retiring Financial Secretary, Mr. Thomas Jefferson. I feel Mr. Jefferson has been a very capable and effective leader as Financial Secretary. I feel that he has established a good track record and by now he has learned how much the people of this country appreciate him. He has done well as far as putting in place a number of qualified and competent officers who make this transition much smoother because he has some very competent and capable young Caymanians who will continue to ensure that the Finance Department is run on a very professional and efficient basis.

Mr. Jefferson has been a man of integrity and one who has the confidence of both his colleagues in the Civil Service as well as members of the legal and financial community in this country. He is also well known internationally. So the country will lose a good man as Financial Secretary. I

would just like to wish Mr. Jefferson every success in his future endeavours and to say that as far as the Backbench is concerned, he will continue to have our support.

I would also like to offer my congratulations to Mr. Lemuel Hurlston on his new appointment as Chief Secretary and to Mr. George McCarthy as the next Financial Secretary. These are two young Caymanians in whom I have a great deal of confidence and I am quite sure they are capable of doing the jobs that they have been appointed to do. I wish them all the best.

Madam Speaker, in closing I would just like to say that in our present position we must adopt a policy of controlled Government expenditure. I feel for the time-being there must be some type of moratorium placed on public borrowing and I also feel that new emphasis must be placed on the training and employment of Caymanians. Preference must be given to Caymanians as far as position in this country is concerned.

I feel in education we must also train sufficient numbers of Caymanian teachers to fill the positions. We must get back to basics as far as re-introducing and reinforcing discipline in the schools because education is the lifeline in any society and we cannot afford not to be in a position where we can continue to be proud of the public education system that we have in this country.

Madam Speaker, I feel that the people of this country are looking forward to better times ahead and looking forward to new leadership. I feel that they will be the jury with regard to the administration of this present Government and they will let the Elected Members of Executive Council know exactly how they feel in November, 1992.

Thank you, Madam Speaker.

**MADAM SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. I have the opportunity to debate the Throne Speech of 1992, which will be the last Throne Speech before the upcoming General Elections.

Reference was made to the upcoming General Elections and certain things which will occur at that time. It was dealt with in the conclusion of the Governor's Address. But I would like to begin by commenting on what was said there regarding the Constitution and the upcoming election. The Governor noted that 1992 will be "an historic year for Cayman with the election followed by decisions on constitutional development." Madam Speaker, there is very little doubt in my mind that most conditions existing in this country at this time have something to do with the upcoming election. Actions by Government, actions by other politicians, actions by persons who have made declarations that they intend to contest the election in 1992, all come together because this is an election year.

It is a unique one in that 20 years have passed since there has been any consideration about constitutional changes. While a whole year and more has passed since a motion was passed in this House to ask that the United Kingdom Government consider looking at our present Constitution, making certain recommendations right down to this point in time, the Constitution is the focal point in the minds of many people - particularly people who believe that there should be no change whatsoever. If anything, the country should move a bit backwards from where it presently is.

I imagine the Governor must have heard certain comments or received certain information in that he chose to make the comments which he did. He stated that he wished to make certain comments because there appeared to be some misunderstanding in some quarters. Now it is very well known that there are certain quarters in this country which would not wish any changes whatsoever in the Constitution, even though a year and a half ago it was clearly shown that our present Constitution really gives a minimum of say to the Elected Government in this country. It was proven beyond the shadow of reasonable doubt that the Governor, under our present Constitution, is the one who has the last and final word both in the subjects given to him, in his position as Governor and in the political arena.

Madam Speaker, this has been pointed out by the Commissioners who did the report concerning the Constitution and who certainly recommended changes. They made this in respect of their recommendation for the creation of a post of Chief Minister. They noted in this regard why they thought such a post is necessary. Such a person would be a spokesman for the Government and thus avoid the need for the Governor to make pronouncements of a political nature. They go on to say, "to do so is not the proper function of Her Majesty's representative".

Madam Speaker, some changes have been recommended. But there are persons who, while they are prepared to criticise severely the role of the Governor under the present Constitution, still do not wish to see any changes which could correct that situation. What is unfortunate about the present condition here which causes much misunderstanding, is that the majority of those people do not have the honesty to publicly state their position. They do so by feeding misinformation and rumours to the public on the whole. That leaves them in a position where whatever might happen they can benefit from it - but really bear no blame if there is any criticism whatsoever.

Part of the recommendations of the Commissioners being made is the creation of three more seats in the Legislative Assembly. The Select Committee also recommended that increase. If one takes the minutes of the Select Committee on the Constitution and studied them, one will see a point where there were 10 or 12 different recommendations for the number that should have been increased. That was when some persons were attempting to write a Constitution which would fit with the political views at that time.

The latest that I have heard on this particular question of a new Constitution coming into play was that somehow the Government, or the Governor, or somebody is going to slip it in and there is going to be a new Constitution even before there is an election, although we are here now in

February, and the Governor makes comment to that effect when he says, and I quote: "Let no one be misled by suggestions that, somehow, changes will be slipped in for some obscure purpose or benefit, meanwhile."

Madam Speaker, on 28th October this House saw one of its shortest Sessions in the history of the Parliament of this country when a meeting was specially called to deal with the recommendations of the Select Committee and no one spoke. It was like the hippie slogan of the 1960s, "What if they gave a war and nobody came?" My position on the question of the Constitution is made extremely clear in the Minutes of the Report of the Select Committee on the Constitution (as was that of the various Members making their statements), however, history will record on 28th October, what did occur.

Several days leading up to that time there were persons, misinformers and "disinformers" who called me at all odd times of the day and night. I think they were working at the bidding of certain regressionists in the political arena to try to intimidate or to threaten those whom they felt they could. What was said to me during those calls was that if I voted for the Report of the Select Committee I would be "doomed"; I would be "voting with Government", as they put it, when the truth was that Government was not putting any motion in this House, it was but the Chairman of the Committee moving the Report of the Select Committee on the Constitution and that Committee was made up of every single Elected Member of this House.

But mischief and treachery still continue in this country and in the political arena. Misinformation and "disinformation" continues. Of course, as mentioned before, one of the latest is that a Constitution will be slipped in before the General Election. I particularly like the suggestion here from the Governor where he states: "Let the community and all candidates for election be fully aware that it is in the hands of the electorate to ask candidates to explain what they stand for in regard to possible changes in the Constitution. Upon the candidates lies the customary responsibility to explain their intentions to the electorate."

Madam Speaker, I think those words are very profound because if I might try to paraphrase what I understand from them, the Governor is saying to the candidates who might be Members presently in the House or new ones to come, "You go out and say to the people that you do not want any changes. You are complaining about the Governor and his excessive powers, you are complaining about this, you are complaining about that but you do not want any changes. You want to complain but you do not want any changes. The Commissioners came and listened to what the people have said and the people have made representation to them and the present elected representatives have made recommendations to them about the state of affairs and the desire for elected people to have more responsibility. In response the Commissioners recommended an upgrading of this Constitution which will place responsibility in the hands of elected representatives for certain subjects and which also in the process will give one person the authority and the designation to be the point man in this particular form of Government. Let those against it go out and tell the people they do not want a political leader or someone that they have elected that they can talk to. Go out and tell the people that." That is what I say too, in this process.

Those who do not want that should not attempt to hide behind guises; go forth and tell the people you do not want those changes, you do not want the elected people to have any more authority and so forth, and so on. It is very, very important to the whole process at this present time and in this forthcoming election.

Madam Speaker, the Governor also mentioned that there will be an opportunity for the matter of the Constitution to be made an election issue. Of course, anything can be made an election issue. One could question whether it is the most hygienic thing to have inside water closets, versus outside pit latrines. Anything can be made an election issue! However, I must state that it is my understanding and my belief that the United Kingdom Government would never be so stupid or make such mockery of its administration that She would try to give the impression that a change of Constitution would not come about after the day of swearing-in of whoever is elected in the 1992 election.

If that is the case what would have been the use of Her sending Commissioners to this country to poll and take the views of all of the country? What would have been the use of the dozens and dozens of man hours lost in this Legislature by present Elected Members examining the Constitution and examining the Commissioner's Report? Of what use would it be?

Some people in the private sector are putting out the word that what will happen on swearing-in day is that those people elected will be sworn-in and then they will be sworn-in under this present Constitution where four people will be selected and some months down the line Mother England will call back and say, "Boys, come back to the Legislature we are going to have another swearing-in now because we are going to bring in a part of the new, proposed Constitution, or all of it." Such a situation absolutely boggles the mind of an intelligent person.

I believe that that will also be the misinformation that will be preached by certain people during this forthcoming election and is also being preached right now. However, if we look at what the Commissioners said on the very last page of their Report under the Date(s) of Coming Into Force, it clearly states, and I quote:

"2. Assuming that it may take several months to exhaust local debate on our report - and several more months to complete the drafting of amendments" [that is by the United Kingdom] "we would recommend that the section on the increase in the number of elected members of the Legislative Assembly should be brought into force (assuming an increase is finally agreed) by, say, April or May 1992. [That has already been done.] This would allow time for the necessary consequential amendment to the Elections Law to be made prior to preparations for the next General Election, due in November 1992. The remainder of the amended Constitution would then be brought into force immediately after the election."

I want to state that it is my understanding and belief that the United Kingdom Government will be giving an upgraded Constitution to the people of the Cayman Islands and that it will come into effect at least by the day of swearing-in when the new House is being formed. That is my understanding and my belief. Personally, I think that is the only sensible thing that can be done. However, for the people who do not want any changes and who now are misinforming the people, let them go to the public, as has been suggested in the Throne Speech, and tell the people they do not want them to have any improvements, they do not want this country to have a political leader, they do not want the elected people to become ministers of Government with responsibility where they must account, in the final analysis, for the subjects which are assigned to them. Let them be very forthright and honest with that.

I think it is wishful thinking to hope for a peaceful election. It is going to be anything else in the world but that, I believe. As I see it, it is coming up and it is shaping up to be one of the most treacherous, the most dirty and everything else that one can think of. In fact, right now I gather that certain persons, even now in this House, have determined the outcome of the election, have appointed at least four Chief Ministers, know where and which districts will successfully field candidates and how many will win, and selection and appointments to ministries have also been carried out.

My position is that this election should be an election fought on issues. Candidates should clearly state what they stand for, what their priorities are and then campaign on them. This country does not need any less. If it gets less, a situation which is already bad will be worsened. I am not too sure that that indeed will not take place.

On the matter of the Constitution, as was recommended by the Commissioners, and as I have noted, an addition of three seats has been brought about. They also made certain recommendations for changes on the Executive Council in which they recommended the re-establishment of the post of Chief Secretary. The one exception where I saw any consideration being given to any one individual was that given to the present Financial Secretary, the Honourable Thomas Jefferson. They state in their Report: "the present arrangement whereby the Financial Secretary [acts as the Chief Secretary] does so becoming personal to the present holder of that post."

I think that is quite a compliment and quite a consideration which in effect means that as long as Mr. Jefferson should remain Financial Secretary, even if the post was re-established, would be the number one in line on the Official side. The fact that he has resigned means now the organisational structure can change and quite obviously the Governor has made the necessary appointments to change it. I think that Mr. Thomas Jefferson has done an extremely able job as the Financial Secretary. Much and many changes have occurred during the time he has filled the post and I do not think for a moment that he need, at any time, feel that he has not fulfilled his duty to job and to country.

The changes which will come about now will be one where the Chief Secretary's post will once again be re-established. That will be vested in a long serving civil servant in the person of Mr. Lemuel Hurlston, who is presently the Administrative Secretary. He is, I think, the longest serving civil servant in the hierarchy of Government and certainly his experience and his training in Government administration should surely fit him for carrying on the duties of this post.

Mr. George McCarthy, I, too, compliment him as he is qualified in the field of finance and he has been in the Government service for many, many years. I do believe that he can competently carry on the hard task which will be left to him when Mr. Jefferson vacates the post of Financial Secretary. The hierarchy in Government will now become, according to the appointments by the Governor, the Chief Secretary in the first position, the Attorney General in the second and the Financial Secretary in the third position.

Madam Speaker, election time comes along and moves along and we are faced with a situation where we need to rid ourselves of personalities and pettiness and little quirks that one finds and deal with the issues of State. The conditions which exist in some ways are as a result, I believe, of the Government of the day, in the management of the country, other circumstances which have come about as a result of world conditions in a recession, conditions which have come about as a result of the affluence of our society where we are having social problems, these are the areas that need to be addressed and they do not need to be addressed by anyone's charm, charisma or personality. They need to be addressed with capable management and objective thinking.

**MADAM SPEAKER:**

Would you take a suspension at this time?

**MR. GILBERT A. McLEAN:**

Yes, Madam Speaker.

**MADAM SPEAKER:**

The House will be suspended until 2:15 p.m.

**AT 12:46 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:19 P.M.**

**MADAM SPEAKER:**

Brac and Little Cayman continuing the debate.

Please be seated. The Second Elected Member for Cayman

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. When we adjourned for the lunch break I was commenting on the point raised in the Governor's Throne Speech regarding the Constitution and I had made the point that in my opinion it was necessary for those persons who would be contesting the 1992 election to

stand on issues, to debate issues and to show the proposals and alternatives which such candidates may have.

Madam Speaker, as I was leaving the Legislative Assembly, I happened to meet the reporter who was covering this morning's meeting, who asked me to clarify what I had said, or suggested was my understanding of the coming into effect of the proposed new Constitution. This has been a matter which the Select Committee made various attempts to get clarification on. So I would like to simply expand on what I have attempted to state as my understanding of the situation. I would like to refer to what was said in two separate correspondences which came to the Select Committee.

The first one is on 19th June, 1991 and I would just like to read the brief statement which was then published. It reads:

"Following the publication of the Report of the Constitutional Commission 1991, a letter from the Honourable Mark Lennox-Boyd, Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs, has been received by His Excellency the Governor.

Dear Governor,

The Constitutional Commissioners have submitted a report on their review of the Constitution of the Cayman Islands. In our view the Report constitutes a coherent and comprehensive approach not only to the specific problems which gave rise to Government Motion No. 9/90 but also to the development of a Constitution which is appropriate to the Cayman Islands' current level of social and political development.

We have no difficulties with any of the recommendations in the Report and see much to commend them.

However, Her Majesty's Government will wish to have the benefit of the reactions of the broadest possible cross-section of the Cayman Islands community upon the Report and the considered views of the Legislative Assembly before deciding what steps should be taken.

I therefore, shall be grateful if the Government and the Legislative Assembly, through its Select Committee, will ensure the widest public availability of the Report and encourage the fullest public debate upon its recommendation.

In view of the expiry of the term of the present Legislative Assembly not later than the 23rd of November, 1992, Her Majesty's Government would not wish to delay unduly the next steps in arriving at decisions on the Report's recommendations.

It is, in my view, desirable that Her Majesty's Government should be in a position to take such decisions before the end of 1991. I therefore, look forward to receiving the views of the Legislative Assembly presumably by way of a motion upon the Report of its Select Committee, not later than the 30th of November, 1991, together with the minutes of the Select Committee and the representations made in writing and orally and taken by the Committee or as may otherwise be expressed.

Her Majesty's Government will then be in a position to consider what action should be taken on the recommendations of the Report."

Madam Speaker, I think that the Governor refers to this part of the exercise being done when he said in his Throne Speech, "the Secretary of State received the recommendations of this House through me at the end of October." That particular phase of things has been dealt with. The Select Committee has come up with recommendations and recommendations have been made.

Additionally, the Select Committee sought further clarification on this point. I would like now to refer to a letter written 4th October, 1991 to the Honourable Norman Bodden, Chairman of the Select Committee of the Legislative Assembly upon the Report of the Constitutional Commissioners, 1991. This letter is from His Excellency the Governor. It reads:

"Dear Chairman  
The Constitutional Commissioners Report

During Gordon Bakers' recent visit to Grand Cayman the Select Committee of the Legislative Assembly considering the Report of the Constitutional Commissioners said that they would welcome advice on the procedure for the implementation of any constitutional changes which may be agreed. I have now received the following advice from London.

Accordingly, I set down what Her Majesty's Government sees as the likely sequence of events but I do emphasise that this is not fixed and immutable and that the exact course of events will depend upon the view of the Legislative Assembly and subsequent decisions by the Secretary of State.

(a) The Select Committee presents its Report and recommendations on the Commissioners Report

to the Legislative Assembly."

That has happened, Madam Speaker.

"(b) The Assembly debates the Select Committee's Report by way of a Motion and decides to accept, reject or modify the recommendations of the Select Committee."

Madam Speaker, no such debate took place and I might say before going on to (c) that it was not that opportunity was not there. Personally, I had nothing further to add to what I had said in the Select Committee and so I did not. There were other reasons given by others.

"(c) The outcome of that Motion and the views of the Assembly are reported through the Governor to the Secretary of State (not later than end of November)."

That has been done.

"(d) If the Assembly recommends no changes, or no changes of any significance, in the Constitution, then it will be for the Secretary of State to consider the position."

The Assembly, through its Select Committee, made certain recommendations which are contained in its Report.

"(e) A General Election is expected to be held in November, 1992 although constitutionally, it could be earlier or a little later. If the Assembly recommends changes, then it will presumably also recommend which, if any, should be implemented before a General Election, and which should be implemented after a General Election."

Madam Speaker, that part was also done, (e) was also covered in the Report by the Select Committee. I would just like to refer to that Report. This is section 34, and the Report says:

"It is recommended that the following procedure for the implementation of the recommended constitutional changes shall be that:

(i) the section on the increase in the number of Elected Members of the Legislative Assembly be brought into force in early 1992;

(ii) the necessary consequential amendments to the elections Law be made prior to the preparations for the next General Election to be held in November 1992; and

(iii) the remainder of the new Constitution be brought into force immediately after the General Election."

To me, Madam Speaker, that seems very, very clear indeed. The letter goes on to say: "It would wrong to prejudge the outcome of the Select Committee's Report....". I agree but the Report is now completed and sent to the Secretary of State.

"Their recommendations will be carefully considered by the Secretary of State. If in his view a significant proportion of the recommendations should not be implemented until after a General Election then he will have to consider after the General Election how to proceed taking due account of the opinion of the newly elected Members.

An Order in Council is the normal and appropriate method of implementing a new Constitution. I say "new" because a fresh document is likely to be more convenient than attempting to graft on additional material and amendments to the present Constitution.

I should be grateful if the contents of this letter may be communicated to the Members of your Committee. It is not, you will observe, classified and is therefore available for publication in due course."

Madam Speaker, it is on that basis and my understanding of what the Throne Speech says, that I believe that the United Kingdom Government will bring in by an Order in Council the other part of the proposed new Constitution on at least the day of swearing-in of the new House.

I cannot believe that because it is said, it will be the topic in a General Election that that is a referendum. It could hardly be taken that way. Those people who want no change, again if I understand what is suggested by the Governor, must go and tell the public that and tell them why they do not want any changes. They want to stay where they were 20 years ago. Those who believe that what they have set down in the Report of the Select Committee and what has come to this House should come about will tell the public why they believe that is so. The public will choose those people who will implement and work with the new



Constitution and that it is my understanding the United Kingdom Government will be bringing into effect after the election.

I was asked also by the reporter if I was suggesting that England would impose a Constitution on the Cayman Islands. I would not use the word "impose" but I would use the words "bring into effect". If there are those who are worried about the United Kingdom Government being in a position to impose things on this country, they should then be very willing to accept certain changes in the Constitution which will not make that so very easy. Surely if there are those concerned about England imposing constitutional changes, they should not want to stay with the present Constitution which makes it wide open and absolutely at the discretion of the United Kingdom Government. Madam Speaker, I will go no further on that. That is my understanding of what is being said in the Throne Speech and what will be occurring after the election.

There is one thing which I believe needs to be avoided and that is the Caymanian people becoming beguiled or misled by persons who would attempt to let the public believe that at this stage now they are out voting a sort of referendum, if you will, about the Constitution when one year and eight months have now passed since that whole exercise has come about and every one has blamed whoever for whatever.

Madam Speaker, at this time I would like to refer to some of the other subjects which were raised in the Throne Speech, one being the Judiciary. Here it was noted that there was a high level of litigation both civil and criminal being dealt with by the Judiciary. I believe that generally the Judiciary process functions quite well. I have no cause to change my opinion which prompted me to bring a Private Member's Motion here asking for a review of the legal system. I still believe that is necessary for every now and then one sees in the newspapers articles which deal with certain problems that occur and while I do not think it is incompetence, I think that there are certain areas in the procedures which could be better streamlined and set down and perhaps, corrected. So, in my opinion that is still necessary, it is still due and hopefully when another Government should take power or come into office they would look at this part of things.

There has been talk about the need for accommodation in the Magistrate's Court. I am not certain if the present space is being utilised properly or whether space can be made available by alternating hours, or the various courts which go in the Court Building across the street. What I certainly do oppose is for the Judiciary going to take up office in Safe Haven. If increase in space is needed I think it should be done to the present building and there are few things nowadays that steel and concrete blocks cannot really bring about, including building above a building that is already standing.

So, I personally think that the question of accommodation can be addressed through making certain construction changes and without costing such frightful sums of money as it normally does. My recommendation would be that it be extended out and above the car park which would not affect the parking space and space could be created as is necessary.

I do believe that the design of any addition could be improved upon from the present condition and I would hope that for the large stream of mankind who go in and out of the Court House on a daily basis, one would not go to the extravagance of carpet but would have good tile which would last for a long time and not harbour dust mites and so on for public to use on a daily basis.

It is good to know that Government is looking towards a long term solution for Government Departments generally which need accommodation. Again, my position is that the Cayman Islands Government should not be the entity to rent every building that outside investors come to the Cayman Islands to build, to put Government Departments into. Irrespective of what the PCI or whatever has to say, I am convinced that the money that is being used in a number of rental situations now could indeed pay long term mortgages for Government to build its own buildings. I would definitely not be supportive of hearing that the other part of Harbour Centre is also being rented by Government. I trust that was not the cause to have that extension put on which, at the time, the Government Bench said there was no such plan in mind. This being another time, I hope there has not been a change of mind.

Madam Speaker, the Governor made note of the fact that Justices of the Peace (JP) have formed an association which I think is good, and that consideration is being given to a recommendation made for the JPs to also deal with civil cases at the level of Magistrate's Court. It is not clear to me what this would entail or what would be the necessary qualifications in such an area but I would hope that this would be looked at carefully by the Legal Department and the Attorney General's Office, which I feel sure it would.

Much is to be said for Justices of the Peace who deal with juveniles. I think there is a better understanding because many of these Justices of the Peace, if not all, are parents and they have an acculturation with the Cayman Islands, they have a deeper insight, if you will, into an understanding of the cases which come before them. Once before in this House I stated that I think it would be a good thing if the young attorneys who are leaving the Law School were appointed as Justices of the Peace. Again, I call on the proper authority, I guess it would be the Attorney General and Governor in this case, to give some thought to that particular suggestion. My reason is that these are persons who are newly out of school, understanding the legal side of things, they are Caymanians and they could have an opportunity of sitting on the Bench, as do the Justices, and taking in certain cases and dealing with them. It would also be producing the opportunity and experience for these young attorneys should they wish, at some point in their careers, to really become Judges.

Legal aid still seems to be a problem. I think this is one which needs to be seriously addressed. Where legal aid is necessary, be it in whatever area, it should be made available. It is my understanding that this is one of the fundamental principles on which British justice works, that where a person needs a lawyer, it is provided for them. I do not necessarily agree with the idea that young lawyers should be the ones who should practice legal aid. I got the impression that this should be something largely put on their

shoulders. I do not think that it should just be confined to them. I think that some of these very wealthy lawyers in this country, who are long experienced should also be out there acting in legal aid cases. In fact, some of the criminal cases which come before the Court would hardly be the type of case for young lawyers who have not been in Court to deal with.

I do not think that there should be any exclusion on experienced lawyers, or on young lawyers when it comes to legal aid. It should be a part of the system. They make their money from defending people in Court who breach the law. It is in this environment for those who do not normally go to Court to defend in cases, they make it through corporate work. Well, this is the society they are doing it in and something should be given back to society in terms of their expertise and professional assistance.

Madam Speaker, it is well known that the Public Service Commission (PSC) gives advice on recruitment, discipline and promotion to the Governor. The Governor stated that the Public Service Commission was considering a positive action programme to channel Caymanians into professional careers. It was not very detailed as to how this is supposed to be done. I think to a large extent this is a Personnel function. I do not believe that the best people to actually deal with this is the Public Service Commission. I think this is a function for the Principal Secretary (Personnel). That programme should be in place throughout the Service for this is what the Government says they are doing, giving Caymanians every chance and every effort to improve and go into particular careers. I do not believe that to be generally correct. There may be instances of it because more and more the Civil Service grows by having more non-Caymanians in it.

Certainly in the technical, professional and higher levels of the Civil Service there are many, many non-Caymanians. If this programme which the Governor has referred to speaks to a situation where Executive Officers (EO) and Higher Executive Officers (HEO) and assistant secretaries and so on, are being moved up the totem pole, well I think that is good. Certainly, it is about time that the levels and the jobs at HEO, Executive Officer, Clerical Officer be limited to Caymanians. As I say, I think that is something talked about much more than it is presently practised. I am grateful to know that in the instances where it does occur, Caymanians are given opportunity. In-service training I think is one of the best tools or best means of preparing Caymanians for promotion and to develop the necessary knowledge and skills to optimise their efficiency.

We have heard that the Agriculture and Industrial Development Board (AIDB) has received \$120,000 from Government for training purposes. Compared to our need this is a very small amount but I suppose every little bit helps. I trust that these types of loans are made available with the least amount of red tape and hardship to those who are interested. Something to be borne in mind by the lenders of this money, and I hope they have some guidance here from the Education authorities, is that the most brilliant student can go on to higher education and fail but the middle-of-the-road student, to whom they would not necessarily give a loan, could be the one whose persistence and desire to succeed could be more successful.

The \$1.2 million which has been guaranteed by Government from Caribbean Development Bank (CDB) for the Agriculture and Industrial Board I trust is being utilised now in the various areas which the Governor mentioned, industry, tourism and agriculture. All of these are worthy areas and since agriculture, if we believe the Member for Agriculture, is an up-and-coming thing, then encouragement should be given to this area. I do believe that whatever encouragement can be given, should be given for we need to move away, if even a little bit, from importation of food crops which we can grow in these Islands. There have been a number of successes and I trust with the big \$5 million in five year plan there will be continued improvements in this area.

One of the areas of need that I have heard expressed by two or three farmers is small loans to them where they can prepare plots of land for a crop but where they need a certain time frame to actually reap that crop to get the benefit of money to repay it. I hope that some type of consideration can be given to this and something can be worked out whereby this can be helped. I know also there are persons who need labour in these agriculture programmes and I do not think there is anything wrong with a loan being made to a small farmer which includes an element of wages for people whom they may have to employ seasonally or for given periods of time.

There is little use of Government loaning money to farmers for agriculture and not giving technical advice for them to save certain crops which they now have. It is my understanding that there are problems, there are diseases here in citrus, particularly limes and avocado pears and also in coconut plants and I would hope that with the amount of experts who are now in the employment of Government that these persons could be requested and required to pay attention to this particular area.

In the banking supervision, I note that private banks are no longer allowed in the country, or given licences. I do not know if a complete cut-off is a good thing. For the number of Caymanians who buy the Florida lottery, should they hit \$10 million and wish to set up a bank, I do not think that they should be precluded so I hope that they would be given special consideration if such should happen.

There are certain assurances that proper banking practices would be followed where licences are given to banks that have branches and subsidiaries here in Cayman and I think that is logical and sound thinking. What I would like to suggest is that a programme of training be undertaken in the Banking Inspectorate. I know certain training has been done there but I would like to suggest that the Government look at identifying persons in this field or unit that could be given specialised training in banking inspection. Whether it is to become experts in foreign exchange, or in the offshore side of things, whatever the specialisation, I think it would allow some motivation if there were four, five or six people who would know they could be trained to become a specialist in this area. Update all of the present staff who operate as the Inspectorate to the highest level possible within their capabilities. That banking inspection is needed, there is hardly a doubt and if there were any doubts, BCCI and its companies gave a good example of what can happen.

I congratulate Mrs. Jennifer Dilbert on being promoted to the Inspector of Banks. I am always very happy to see Caymanians who rise to the occasion and fill these various

posts.

We know that the Customs Department is extremely vital to this country in that a large percentage of the revenue in any given year comes through Customs duty. If the introduction of computerised import and export systems will help the collections and the ease by which Customs Officers can collect revenue and be more efficient, I am for it.

I do get a quiver every time I hear about computers because I get a strange feeling that that monster is centralised somewhere in the Glass House and just keeps growing more tentacles and reaching out further and further, and that it does not necessarily reflect similar efficiency in terms of cost and extended staff.

The Governor also said that there is now a certain classification of goods. I am not quite sure what specific good that will do, perhaps it has something to do with the amount of duty that is attached to the various merchandise or goods. If that is something again, which helps with the collections and the efficiency, I am all for that.

I have one small item which I would like to recommend to the proper authority to take a look at and that is the question of cow's milk being milk and soy bean milk not being milk; one being free I understand, and the soy bean attracting quite a high duty. The reason being (and I have heard this from doctors and indeed I am quite a buyer of milk myself these days) that children, even in infancy, will normally tolerate soy bean milk. If a child is not breast-fed and you have to put them on milk. Soy bean milk is what is recommended because they are less allergic to soy bean milk, whereas with the cow's milk it could well be the other way around.

I do know that at least two pharmacies that sell soy bean milk have said that it was once duty free but a cost has been slapped on that now and the very type of milk which could be of greatest benefit to the widest number of children, now duties are on that whereas it is not on cow's milk. So it is something which I would ask, I think it would be the Financial Secretary, to enquire and take a look at that particular condition.

Drugs continue to come into our country and it is very heartening to know that the Police and Customs have developed an agreement which defines clearly the roles of these two Departments. The best results have to come from where there is cooperation and a proper information exchange. One of the worse things which could happen in the fight against drugs in this country is for jealousy to occur between these two Departments to the detriment of the public. I am a great believer in writing down what you expect someone to do, rather than leaving it to their discretion. It is also good to know that training is continuing for these Officers in both Departments and that they attend joint seminars.

I do not know if there has been any improvement in the handling of boats or how many have hit the reef in recent times. I have not heard of any reports of that but certainly I believe that boats, both for the Police and for Customs, should be manned by people who know how to handle boats. I suggest that being a Customs Officer or a Police Officer does not mean that you have to be a boat man. Being a boat man does not mean that you have to be a Customs Officer or a Police Officer. So, it would be a form of employment where these boats are handled, the Police Officers would ride on the boat and do what they have to do and so would the Customs Officers. Seeing the cost that the loss of boats has been to this country, I would like to believe that that is a positive suggestion.

We have been told that there are 365 companies altogether in the Insurance Department Portfolio which reflects about \$4.5 billion of investment. Now just what that means in terms of value or percentage cost to the Cayman Islands or revenue to the Cayman Islands Government, I do not know. Perhaps the Government may take a look at seeing whether the way they presently charge for insurance companies to be altered or changed so that the revenue position could be improved. If these types of monies go through these companies here, who knows, we might be able, in some way, to benefit from that.

Again, to hear that the Cayman Islands is the number two market for captive insurance is again very heartening to anyone's nationalistic spirit.

The Health Insurance Law if passed, does include the Insurance Department and I can certainly understand that it will increase the work load in some areas and to some extent and I dare say it will cause re-structuring of the Department. I think that one of the most important pieces of legislation which has come about in recent times is that dealing with the National Health Insurance and I do trust that the management of that part of things within the Insurance Department will be set up to function within its own, with the efficiency which it will need to give the type of service that will be required once the National Health Insurance comes into play.

Our Marine Survey Department goes on and there is the usual continuing controversy in most things that it does. It has been controversial from its inception. Up until the last time I asked a question about it, it seemed very clear that it is costing more to run than the actual revenue it brings in.

I think that a sensible Government needs to look very carefully at whether such a Department should continue, whether there are long term benefits or potential in it and whether we can hope to get any significant part of ship's registration here that the other full-fledged registries that have been years and years ahead of us, would be competing with us for. If we have to continue that Department simply to say we have it and somewhere down the line in the near future it does not at least break-even, it brings it into serious question.

The civil servant who operates that Department has had his name very much bandied about in recent times and I think, I would say as much on his behalf that I do not really think he should be expected or required, or for that matter be allowed, to attend public meetings where he is the one taking public heat when it is the political decisions being made as to whether any regulations are accepted or not accepted which he might draw up.

The most recent instance where this Department has come into controversy has been the regulations for small vessels. I would definitely not be the one to say that there should not be reasonable apparatus and inspection of vessels within the small vessel categories. But I think the stringent rules should be minimised and that excessive requirements simply do not make sense economically or certainly from a public relations point of view.

I compliment the Statistics Department of this country. I think it is doing an excellent job if one can judge by the extent of statistics which it is producing. If there is a good decision-making tool then statistics certainly fall within that area. I think that at this time we have quite a commendable extent of statistics in this country and in various areas. I trust that some of the decisions being made by Government are making use of the statistics which are shown. I know it would be quite impossible for Government to make some decisions it has made if they did take the advice of what the statistics show.

Madam Speaker, the Legislative Department is very close to me in that I am a part of its overall existence. I think that it works with great efficiency, for the amount of type-written work alone that it generates is really quite astonishing; and with the accuracy, non-complaining and friendly manner in which the staff takes care of this side of things really deserves to be commended. There has been more work in this Department for there have been many Select Committees, several of which, I dare say, will die at the time when the House is prorogued around September for I fail to see how all of these Committees could possibly complete their work. I do hope though that even during this meeting I will hear something about the Select Committee on the Elections Law. That is a very, very essential part of things at this stage.

Madam Speaker, I think the Legislative Assembly has become a focal point in this country at this time because of the broadcasts from this Chamber and because of the political side of things associated with Members who are Members of this Assembly, with only a year ago the change of the appointment of the new Speaker, and with its various associations with other bodies such as the CPA and so on. One recommendation or question raised by the Governor in the Throne Speech was that perhaps it was time to give consideration to this Department becoming an entity unto itself under the directorship of the Speaker, as is the Judiciary. I totally, fully and completely agree with that, Madam Speaker. That is the way it should be, and I do hope that this will come about, particularly in view of the fact that in my thinking there is going to be a new Constitution after the election which will, even more so require it even though, no doubt, there will be many who will attempt to stop it.

Another Department that I think this country can be justly proud of is the Law School from which five students graduated as Attorneys-at-Law in 1991. They have now introduced the Honours Degree in the LLB and I think there is nothing wrong with that. What bothers me to quite an extent, and I have heard it more than once, is that there is a move afoot among certain attorneys or among certain firms that there are too many lawyers nowadays and apparently they are afraid it will impinge on their level of earning. I am one who would believe that there are enough attorneys when we have sufficient that they would even need to look for jobs driving taxis. That is when I think we will have enough. Before that, never.

The knowledge of law is a field which can assist in other areas of endeavour and professionalism; in management, accounting, labour inspection, in various areas. So while a lawyer may not choose to be an advocate in court where he/she deals with criminal cases, this, that and the other, there are many areas where a lawyer can be used. Nothing should be done to make it difficult for Caymanians to pursue law degrees and to qualify as lawyers

It appears to me that Caymanians have a knack for two areas in particular, accounting and law. I have heard persons attempting to bad mouth the level of training that is given at that Law School and if it was not at a low level then so many, they would not be getting a 100 per cent success rate. Well, those persons are obviously bewildered because if they just thought that there are cases of a 1:5 student to teacher ratio, then it would become very easy indeed to understand. So that has to be one of the reasons why there is such a success level.

The Legal Department, we were told by the Governor, is increasing its work load with various prosecutions, murder cases, bank robberies and serious fraud. It seems that again, and we are talking specialisations, here is another avenue whereby lawyers may wish to specialise in and could, if they are given the opportunity. I am not convinced that Government gives the opportunity as it should or as it could.

In serious fraud there have been various cases of banks that have defrauded depositors, of areas of money laundering, all of these are areas which require not only police work but also people with legal knowledge, accountants and so on, and I think that there is a wide scope for young lawyers to develop here in this country. One can only believe that countries like the United States will try more and more to get after cases here in the Cayman Islands which involve money through one means or the other. It is quite likely that the work will increase for the Legal Department.

Something I wish to stress is the nonsense about someone coming out and not having experience and thus is not able to work at such and such a job. This is not a sensible answer, for no one ever got experience without being given the opportunity of working at the particular job. I feel convinced that if you have a young lawyer coming to the Legal Department or the Attorney General's Department, in the Courts or wherever, that work assignments should be set for that person to familiarise themselves with all the areas which they need to know. No one became an expert by not being given a chance to make a mistake or indeed to learn how to do a job.

The Royal Cayman Islands Police Force is for one reason or the other in the news. There is again, to be tabled an annual report from the Police and one thing that has been shown in the last one and no doubt will be shown in this one, is the rising number of criminal activities in this country. It is a problem. Criminality is a problem in this country. It is growing. While the Police must thwart those efforts, must

arrest those people who break the law and do these acts, the Government should go beyond that condition to see that something be done to correct the social situation which is engendering these conditions.

One thing that is very constant in the Police is that there must be more policeman. It is my opinion that what we are lacking is not numbers of police but a lot of good policing. This can only come about when there are officers who are fully cognisant of their work, who are trained in such a way as to know that they are to protect and serve and that arresting someone and locking them up is not necessarily the greatest thing that they will ever do, and understand that they are serving the community. This needs to be done.

We have heard that there is a move afoot to recruit more police officers from the United Kingdom. I am a regionalist. I think that persons from within this region are more familiar with Caribbean and West Indian culture than police officers coming from the United Kingdom. It goes without saying. It has to be that way. So, I favour recruitment within the region over those from the United Kingdom. I would not try to argue that they would not know the police work under the British system and so on, and be familiar with it. Perhaps they know it over and above what a regional person would but it is more than just knowing the law and enforcing the law. There is a lot more to it than that.

Ideally, I would like to see a police force where when you say the Royal Cayman Islands Police Force it would mean just that. That being the case would eliminate many, many non-Caymanians from the Force. I will not try to argue that persons other than Caymanians, that is, bodies are necessary to provide the numbers but I think it is very, very essential that this matter be kept under strictest review and police officers from the Cayman Islands must ultimately take over the Cayman Islands Police Force.

No one in Government should delude themselves to believe that the public does not know there is friction between the various nationalities in the Police Force. It is well known. No one in Government should believe that the public believes the stories that are put out officially by the Government that such and such was a rumour or such and such did not occur. In many instances they know better. Certainly if the image of the Cayman Islands Police Force is to improve and belief in it is to be increased, and suspicion is to be removed, then the results as were found in the recent case where there was misconduct due to impersonation of an attorney by police officers, those types of situations have to change.

The public generally does not believe that a Jamaican police officer unwittingly caused an English police officer to do any such thing or to participate in the act which was alleged to have occurred. They need to find a better reason than that. It does not fit. It does not happen. What the public, I believe, is expecting is to hear when there are clear instances of misconduct and questionable behaviour is that persons are penalised for it just like when the Police penalise two punks who might be fighting each other on the street by arresting them and taking them to jail and locking them up and so on. They want to have equality of action.

Madam Speaker, nothing to date has been done in terms, at least of the public hearing, about finding the killer of Mr. Innskip. It is my information that the Police have good information which points to individuals but so far nothing has been said about it and of course the public does not know if anything is being done. But, when gross misconduct such as police officers having evidence which they do not reveal in a case and where they will attempt to impersonate a lawyer to convict someone of the ultimate crime of murder, that is serious business. It is not that it is just happening here, it seems to be the thing around the world now. For only last week I heard in the news on Radio Cayman that in England the Court struck down a conviction of a retarded person who had been convicted of murder by the police using devious means and using unfair and illegal means to convict this person when the person could never have been the one who committed the murder. We do not need that in Cayman, we do not want it and it should be stopped. Only through stopping it can confidence in the Police Force be gained from the public.

**MADAM SPEAKER:** Will this be a convenient time to take a suspension?

**MR. GILBERT A. McLEAN:** Yes, Madam Speaker.

**MADAM SPEAKER:** The House will be suspended for 15 minutes.

**AT 3:30 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 3:52 P.M.**

**MADAM SPEAKER:** Please be seated.

### **APOLOGIES**

**MADAM SPEAKER:** Before the debate continues I would like to say I have had an apology from the Honourable Member for Education Environment Recreation and Culture for his absence this afternoon and the remaining Sittings of this week.

**GOVERNMENT BUSINESS (CONTINUING)**

**CONTINUATION OF THE DEBATE ON THE THRONE SPEECH**

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

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker.

I would like to refer now to the Prison Department. Here I note that Northward Prison houses both men and women where all categories of prisoners are incarcerated, where young offenders, juveniles, persons with mental problems. That prison is more than a prison should really be for some of the inmates in that prison should not really be there.

The population continues to grow and according to the statement in the Report there is a need for further accommodation. That is a very unhappy, frightening and sorrowful state of affairs. If we were increasing accommodation for people who were able to obtain loans from the Housing Development Cooperation and so on that would be positive for our community. But increasing size of the prison to lock away our own people, has a very negative effect on this society.

The First Elected Member for Bodden Town dealt at considerable depth with the situation at Northward Prison. Some of what he mentioned I had heard myself, but, certainly, much of the details I was unaware of. I will not attempt to deal with it in similar depth or to repeat what he has said, but I do note a situation of overcrowding and the increase in size and somewhere somehow we have to attempt to respond in the way as was suggested by the Chief Justice that we simply stop locking up our people to the extent and in the way that we have been doing. On drug related matters and so on, we have to find a way of dealing with that other than with prison terms.

It is very good that there are two teachers there now who will give instructions to inmates. Ultimately, we have to attempt to arrive at a position where we are teaching skills so that when they come out of prison they can find jobs. I know there was a Prison Officer there whose first profession was as a teacher. His name I think was Mr. McIntyre. A great amount of thanks ought to be given to him for the work that he did with some prisoners while he was there. It is my understanding he has since gone on to other places.

Also because there are so many inmates there because of drug problems there is need for drug counselling and I am glad to know that to some extent that is being offered. Whether or not souls will be saved by having a chapel in there I do not know, but I do recall that when the post was being discussed in the 1992 Estimates it attracted a considerably higher salary than other posts. We were told at that time that this chaplain would do a lot more than simply preach or talk about the religious aspects of life and indeed I trust that there is a programme for him which would give him an opportunity to act in an expanded manner.

It is also heartening to know that some of the expense of providing food is being taken care of because the prisoners are able to grow certain crops. When we think that 36 per cent of the prison population are non-Caymanian it also tells us something about our society and the types of people that are within it or are entering our ports or whatever the case may be. But if 36 per cent are non-Caymanian, then indeed we are having a cost in this area for persons not even our own.

In Immigration I look forward to seeing the new Immigration Law to come to this Honourable House and I expect it should soon, perhaps the next meeting of the House. I do not know if there will be any frightful changes but hopefully it will correct some of the areas that needed addressing. As time goes along perhaps we might end up with the very same Law we have now if we do not soon get it to the House. No fault, I am sure of the Chairman of that committee but so many other committees have come in between and with there have been various changes suggested, and taking witnesses from so many quarters, this has taken up so much time. I am glad to know that the Immigration now has a new building and the staff is finding it pleasant to work in it.

Immigration has to be one of this country's single most important concerns. This is a matter that has to be addressed practically and reasonably and it will be quite impossible to satisfy everyone in this area but indeed, attempts must be made and a position has to be taken overall. There is a growing number of Caymanians versus non-Caymanians and it is increasing and right now there are complaints and reactions in the society about that particular occurrence. Of serious importance stemming from immigration into this country is the fact, just taking into account the economic consideration, that every Friday this country sees undoubtedly an out-flow of money. The currency that is going out is hard currency, dollars, pounds and the like. So it has a significance to us in that respect too.

The Governor noted that there were a total of 52 Cuban refugees here and he said that it was not possible for the country to maintain these persons. I would find it hard to disagree with him with that statement. However, while they may be economic refugees, there is also another side or story that they are political refugees. They are running from a regime which does not mete out a whole lot of democracy to them. I think we need to look very carefully at the humanitarian side of this situation that we now have while not encouraging these shores to be refuge for persons who are running from their individual countries, we are too small to sustain the economic burden but I believe that the Government could and should seek to find other destinations or assist these refugees find other destinations other than having to return to the country from which they have fled. There is that humanitarian side of things and as the world changes come about the particular conditions under which they live may cease to exist sooner than we expect and they may not be wishing then to leave their country at all.

I compliment Radio Cayman for being an institution which provides information for all of us in the Cayman Islands. It is truly one that I think shows what can be done with cooperation, effort and dedication. The radio station is now 90 per cent self-financing and that says a whole lot for it. There have been some new offices recently completed. I have had the opportunity of visiting them and they are quite attractive. What I would like to suggest is that Government give thought to developing its own television system. They now have housing for it and there are certainly public information programmes which can be developed to be broadcast to the public at large. There are actually persons working at Radio Cayman who are

familiar with television and I think that is something which deserves to be done.

In a motion that I moved here regarding the television franchises, I asked that Government look at developing a public television programme or broadcasting. I think that is something very desirable indeed. I do believe that the staff there would like as much to see themselves on television as do any whether they are in the private television broadcasting or not. Television is the news medium of the day and much good can come from it as well as much bad, if improperly used.

I think the Government giving the three franchises, as has been done, was a good move. It was my opinion that it should not be given to one person exclusively because the control of television in the hands one company or one individual was something too powerful to happen particularly initially. Whether or not these other three franchisees should get together and form a large conglomerate or whatever might happen, I believe the Government in this instance acted in the best interest of competitive capitalism.

Madam Speaker, I would like to refer now to District Administration which of course covers the Islands of Cayman Brac and Little Cayman of which I am one of the representatives. We are fortunate in these two Islands that we have some infrastructure now to work with. There is water, a functioning fire service, telephone, 24-hour dependable electricity and one of the last things to come on line is the bulk storage of fuel.

What is needed there now more than anything else is to create an interest in investors going to invest in those Islands, investing to an extent that it can provide sufficient jobs to the population that is there and the young people who are coming into the work force. This way it does not become necessary for young people, on finishing school, to leave their homes and families to come to Grand Cayman to seek employment, while there is nothing wrong with that. These young people who come here to work find that while they are earning a living they are also paying costs that are extremely high for rental accommodation. Also, the fact that they are away from their family and guidance of their families, they can easily fall victim to conditions and influences which are unhelpful to their well-being.

Madam Speaker, the employment situation is one which one has to constantly think about where Cayman Brac and Little Cayman are concerned. The hotels offer a certain amount of employment, the construction industry a certain amount, and of course the largest employer there is Government. There are some private businesses which also offer employment but all together we are talking about a very small scale. Something which distresses me and I have spoken about many times is the attitude of some of the hotels towards the people who work for them. They are paying wages that are unreasonable and too low. I have brought this to the attention of the Member responsible for Labour and I have asked for investigations into it but when in a hotel you are paying wages as low as a \$1.75 an hour, something is seriously wrong, someone is getting gypped and it is not the employer.

It is wrong when persons only have certain jobs available to them that they have to be placed in a position where they simply have to bear it and cannot do anything about it. For if they complain to any degree they can always be removed from the job and that job then becomes something really interesting for other people to try to get. There is a labour problem there. Of course air service will always be a concern for the Islands of Cayman Brac and Little Cayman because it is displaced, separated by water from Grand Cayman which is the centre of Government and also where there is the most commerce.

I trust and I will be an optimist here and hope and conditions will get better in Cayman Airways and that, for example, some of the recommendations in terms of having a smaller plane in service by Cayman Airways can come about. The extent to which things are going with the cost in the airline, I do not know when that will be. Fortunately, we do get some jet service to the Islands there, albeit not at the most attractive times.

Madam Speaker, I also wish to comment in regards to the Administration in Little Cayman and Cayman Brac, and with a considerable amount of regret, I feel obliged to make some statements with reference to what is happening there with the District Commissioner. What I have to say is not motivated by any malice and I have certainly known the present holder of that post for years, we shared a room in college for three years. Unfortunately, a condition persists which I have tried to get across to the persons concerned with District Administration but it seems to continue. I ask questions about it and I have raised the subject time and again and nothing seems to be done about it and that is in respect of what is happening particularly with the development of roads in Cayman Brac and Little Cayman where the District Commissioner or his extended family is concerned where in my opinion, and I think in any persons opinion, there is a conflict of interest in that benefits accrue that are specifically to his advantage or that of his nearest relatives.

I am aware that there have been roads diverted in Little Cayman, for example, the one that was moved back nearer to the pond specifically again that had a relation to his near relative at additional cost to building the road. I have cited different cases and I have expressed my concerns to the Administrative Secretary in certain instances and to the Portfolio of Communications in others. I believe it is absolutely necessary to monitor that situation and to stop what is happening.

From information I have the latest move being contemplated and attempted is a road at Cedar Point on the South side on property owned by Beatrice Kennedy who is a foreign national. My information tells me that people from Public Works here went to the Brac to look at the situation because what is desired is to divert the road so that it does not touch this property to create no loss to that particular property owner simply because it is within the listing of J. A. Ryan Realty.

I am asking the people here who are responsible for it to check into this and to do something to stop what is happening. It makes me unhappy to have to raise it but I get constant pressure from the people who I represent in Cayman Brac who bring these things to my attention and they are expecting me to do something about it. I am asking the responsible persons to please intercede into the matter and

stop what has been happening. I will say no more on that, Madam Speaker, because I am sure that with some investigation these things will stand out like a sore thumb.

I am happy to know that the Training Unit is functioning so well and that it is encouraging overseas training and local training in the Service. I believe the only way to improve efficiency is through training. The Training Unit is doing a good job apparently. I wish them all success. I trust they will be given both the manpower, the money and material so that they can develop as civil servants through training as they should.

I would hope also that the Personnel Department would think about instituting certain examinations within the Service which civil servants can take which would test their ability to move say, from a clerical grade to a senior clerical grade, or senior clerical to an executive officer's grade. I think this is a function which could be set up through the Training Unit.

In tourism we have the unfortunate situation with air arrivals being down however, cruise ships seem to be holding their own and I certainly hope that they do. For tourism, I believe, we need to keep our standards high and our quality up. Prices must be competitive if we are to compete in this regional market, or if we are to compete with the world. We should be giving value for money. I think it is the duty of the Government to monitor what is happening in the private sector where hospitality establishments or whatever services may be getting out of line with unrealistic prices.

We need to develop our historical sites as has been undertaken and I fully support it. I also support the idea of a 10 year study for the Cayman Islands. I had certain concerns about the study being done by an accounting firm but I did make some enquiry and I was told to my satisfaction that while that is the overall impression, there are specialists in the field of tourism industry. I would ask also that thought be given to increasing the advertisement where Cayman Brac and Little Cayman are concerned to show clearly that there are three types of tourism, if you will, that we can offer in the Cayman Islands, and that the Brac and Little Cayman get their fair share of advertisements.

I was asked by a person from Cayman Brac to say that they would like to see the advertisement in the in-flight magazine on Cayman Airways changed, the one with the old man and the little boy with the turtle. Because, as it was said to me, the little boy is now a man himself and he has children and the turtle has long been slaughtered and eaten and they would like to have Cayman Brac shown in a more modern light. So I say that, and I hope the Member will take note of that particular advertising.

Madam Speaker, I would like to speak to Labour at this time and to note that the Labour Office, according to a very recent report in one of our local newspapers, says there are about 85 persons registered now with the Labour Office and they are not, according to that report, just unskilled labour. There are persons obviously out of work in this country who are Caymanian persons. So the position that we have had for a number of years now of over-employment and boasting that no one is out of work, indeed, that situation has changed. We need to be watching carefully what is happening here in the labour market. There lies always a great potential for social problems.

I would ask the Member for Tourism to set up or give instructions where regular inspections are done at properties or work sites, or wherever, the case may be. Not that he would give notice or that the Labour Office would give notice of their coming but that everyone would be kept on their "p's" and "q's" to know that the inspector might come along to check the conditions. There has to be the political will for the Labour Inspectors to function in the way that they should, to enforcing the way that they should and to examine the labour situation in the way that they should.

I also must appeal again, that gratuities as paid in the hotels and restaurants be examined with a view to seeing that the people who are supposed to get gratuities under the Labour Law do so. I certainly believe it is necessary to have someone from the Labour Office sit on the Caymanian Protection Board and I say that with a hope that that will be taken into account.

The Fire Service continues to do a good job and I think they are to be commended. The staff does an outstanding job and I think it keeps proving to us time and again that it is possible to find Caymanians to do the job. Whatever is working in the Fire Service ought to be spread around to all of the other Departments.

Education, Madam Speaker, is perhaps the most important one thing that we can do for our country, to educate our people. I support the idea of the review that was carried out and I had my disagreements with it when it was tabled in this House because I think there are certain recommendations there that are not practical and involve too much money. However, a plan is necessary. They say people do not plan to fail but fail to plan, so having a plan is at least a guide to the development of education.

The Governor did say that it would be implemented in a timely manner and I think that is the secret to any success with its implementation because we do not need in any circumstances, to have more money spent at this time in just about any field.

Adult education is an important aspect. If we are going to meet the situation of Caymanianisation and Caymanians taking over jobs which are available in this community, we not only are going to need to educate our young people, we are going to need to put our adults back into education. It is extremely important. An adult is the type of worker that can be more depended upon because of their years of maturity and greater experience, so there is much to be said for them.

Skill training is absolutely necessary. Many people wonder and they often cite how is it that a Jamaican can come here and within a year have a house built? Well, it is very simple. He is working for wages, he buys a plot of ground, he only needs to find the money to buy the material because he has the skill to build a house. Why is it costing us, the indigenous people of this country, so much money? Because we do not have the extent of such skills available to ourselves.

I use that as an example, however, there are many areas. There



is need for skill in electricity, in air-conditioning, in welding and in all sorts of areas. We lack these skills. We do not have them in sufficient amounts and it is not something where one has to go into long, drawn-out academic studies. They are practical skills which can be taught and learned relatively easily. It needs to be a major concern.

**MOMENT OF INTERRUPTION  
STANDING ORDER 10(2)**

**MADAM SPEAKER:**

It is now 4:30 p.m.

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

House until 10:00 a.m. Wednesday morning.

Madam Speaker, I move the adjournment of this Honourable

**MADAM SPEAKER:**

adjourn until Wednesday morning at 10:00 a.m. I shall put the question.

The question before the Honourable House is that it should now

**QUESTION PUT: AGREED.**

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
WEDNESDAY, 26TH FEBRUARY, 1992.**

**WEDNESDAY  
26TH FEBRUARY, 1992  
10:05 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 in the Legislative Assembly. Questions to Honourable Members. Question No. 44, the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 44:** Would the Honourable Member say: (a) who is responsible for the arrangements in returning prisoners to the country of their birth to serve prison sentences; and (b) the rank of officers used to accompany these prisoners?

**ANSWER:** (a) The Prison Director is responsible for making the transfer arrangements. (b) Officers of any rank may comprise the escort, dependent upon circumstances and staff availability.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Member for East End, supplementary.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say what has been the practice in recent times when prisoners were returned to their place of birth?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I am not familiar with the specifics of the question that the Member is asking. My recollection is that following the sitting of the Court of Appeal in December there may have been a number of cases disposed of as a result of the Appeals, and usually immediately following the finalisation and deposition of appeals there are usually a number of transfers that take place. There may have been some transfers done recently. I am not familiar with the specifics of what the Member may be enquiring about.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. In the most recent transfer of prisoners could you say exactly what rank of officer was used?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker. I believe however that in a recent transfer the Deputy Director of Prison was used as one of the escorts as a matter of convenience because he had other duties to perform in the country to which the escort was being made and he used that opportunity to do two things

on the one trip.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, under normal circumstances would the officer be met at the airport and the prisoner released in the hands of the authorities there or how is this done?

**HON. J. LEMUUEL HURLSTON:** Madam Speaker, in most instances the escort is conducted to the prison facility to which the inmate is committed. In few cases would an escort terminate at an airport. In most instances the escort terminates at the prison facility.

**MADAM SPEAKER:** The next question is No. 45 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. 45:** Would the Honourable Member say what steps are being taken by Government, through Cable and Wireless, to investigate private individuals on these Islands who are interfering with or listening in on private telephone conversations by illegal use of scanners, recorders and other devices?

**Answer:** The possession of scanners alone is not a criminal offence, but their use to intercept private transmissions may be an offence under: (a) section 13 of the Radio Law; and (b) section 13 of the Telephone Law, where the contents of the transmission is subsequently disclosed.

The matter is being addressed by the Telecommunications Law Review Committee. The Telecommunications Bill is scheduled to be presented to this Honourable House in June, 1992.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say exactly what steps will be taken by the Telecommunications Law to stamp out this sort of activity?

**HON. LINFORD A. PIERSON:** Madam Speaker, this matter like others will be addressed during the deliberations by the Telecommunications Law Review Committee and recommendations will be made during the committee stage of that review.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Can the Honourable Member say what safe guards or security devices are in place to ensure that there is not internal tapping of telephones which are not authorised?

**HON. LINFORD A. PIERSON:** Until such time as my Portfolio has received formal official complaints that there are in fact such tampering with these telephones, we are hardly able to do anything about it, even though we have had unofficial complaints on this but no official complaint lodged to date.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** I am asking what preventative devices are in place to ensure that there is no internal tapping. Is somebody in Cable and Wireless capable of certifying that?

**HON. LINFORD A. PIERSON:** Surely, Madam Speaker, that was a matter for Cable and Wireless at this stage. The Law does in fact provide certain provisions here for disclosure of communications and obstruction of service and I refer to that under section 13 of the Telephone Law and section 13 of the Radio Law. Provisions are made in there. But this is a matter for Cable and Wireless and also if we are aware of any such problems it would be taken up forthwith by our telecommunications officer.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Would the Member therefore ask Cable and Wireless to let him know what preventative steps they have taken to ensure the security of areas where this can be done? I am not alleging it is done, I am asking you to just enquire and make sure that there is security around the areas which are potentially possible to be tapped.

**HON. LINFORD A. PIERSON:** I wonder if the Member could be more specific if he knows of any particular areas? Cable and Wireless (WI) Limited has a franchise with Government and the terms of the franchise are quite specific as to the sort of areas of their operations. If he knows of any specific areas, I would

appreciate his letting us know.

**MADAM SPEAKER:**

Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I am a lawyer, not an electronics 'wiz kid', but I understand that it is possible to enter into telecommunication equipment (not just theirs) internally to listen in on conversations. Now, I have no doubt that Cable and Wireless has the necessary security or can provide this, I would just like the Member to ask Cable and Wireless to assure the House and maybe this will squash the rumours.

**HON. LINFORD A. PIERSON:**

Madam Speaker, as I said earlier, I had been told unofficially, no formal complaint being made, that there were certain problems which I have in fact discussed already with the General Manager of Cable and Wireless. But as I said, he has just been a signatory to an agreement between Government and Cable and Wireless and that is quite specific in its areas and the Telephone Law and Radio Law apply where that agreement is concerned. I have had no formal complaints but I have already discussed this matter with the General Manager and I have been told that he will keep a very close eye on this. So this is not a new matter being brought.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could tell us if he is aware that certain reports have been made to Cable and Wireless, to the police and (I am not certain if it was officially or unofficially) to his Portfolio with regard to the problem which, like a cancer is presently in our society where people have devices that are monitoring certain businesses, and indeed certain private calls on the Island?

**HON. LINFORD A. PIERSON:**

Madam Speaker, the simple answer to that will be no, but I would elaborate by saying that the possession of a scanner that receives aircraft marine radio transmission, as well as cellular telephone calls, does not constitute a criminal offence. I mentioned that in the substantive answer. But as I said, both Radio Law and the Telephone Law make provisions and that is section 13 of the Telephone Law and section 13 of the Radio Law that if the contents of a private transmission is disclosed by unlawful interception there may be an offence.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Earlier the Member mentioned that he had received unofficial complaints but no official complaints. I wonder if he will tell the House what criteria he is using to determine what is an official complaint?

**HON. LINFORD A. PIERSON:**

Madam Speaker, the definition of an unofficial complaint is the colloquial term known as "marl road" gossip.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. The Member said that the possession of a scanner does not in and of itself constitute a criminal offence. I wonder if the Member could say what is the position for microphones, receivers and transceivers which have been specifically designed for monitoring and intercepting private telephone calls, as it is my understanding in at least one business establishment that I am aware of, such a device has been discovered.

**HON. LINFORD A. PIERSON:**

Madam Speaker, my only comment on that can be that if the Honourable Member is aware of this situation, I would be happy if he could give me more specific details on it as I can hardly act on rumours.

**MADAM SPEAKER:**

May we proceed to the next question No. 46, 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. 46:**

Could the Honourable Member say if Public Works Department has carried out a costing of necessary urgent repairs to roads in the Eastern Districts, including the Queen's Highway?

**ANSWER:**

Urgent repairs include patching pot holes and shoulder washouts. A patching crew worked on the Queen's Highway and on other eastern district roads during the first week in February. The cost for this repair-work was not itemised separately. However, as of 7th February, total patching expenses for 1992 in Grand Cayman is \$16,832.00.

**SUPPLEMENTARIES:**

- MADAM SPEAKER:** The Member for East End, supplementary.
- MR. JOHN B. McLEAN:** I wonder if the Member could say if this patching will continue in the area as soon as possible this year?
- HON. LINFORD A. PIERSON:** My understanding from Public Works Department is that all potholes in the public roads of the Eastern District were patched in early February. The patching crew will be sent back when other potholes are reported.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Madam Speaker, this morning I travelled the Queen's Highway all the way to George Town like I do every morning and I would like to officially report that somebody needs to check their eyesight. Could the Member say if somebody from the Public Works Department could go the same route that I did this morning and to reassure him that there is urgent, necessary work needed on the road in question?
- HON. LINFORD A. PIERSON:** Madam Speaker, we are aware that there is urgent work throughout this Island, not only the route that the Honourable Member travels. But we have to do our patching and repairs within the budgeted allocation for maintenance work. As I said, the Public Works crews went to East End during February, there is other work that is also urgent that they must undertake and as soon as we can get back to East End and funds are available we will do the work there but I hope that the Member, like other Members, understand that we are working within very tight financial constraints.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say if Government has given any consideration to perhaps negotiating a long term loan or some other financial means to cover the cost to repair the road Frank Sound to East End on to the Queen's Highway and perhaps on to North Side in the near future?
- HON. LINFORD A. PIERSON:** Madam Speaker, from 1988, 1989, my Portfolio has been considering long term capital financing for road works in the Islands. The MGTP (Master Ground Transportation Plan) was one example. We are now in the process of examining the road works under the Grand Cayman Roads Improvement Plan Study (GRIPS) but for us to now go and enter into capital loans in the absence of that report or that exercise being complete, would at this point in time be inappropriate. But we are giving serious consideration to the needs of the development of our roads and the maintenance of the roads that we have now.
- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** I have two questions. Why is the Member paying so little attention to the main arteries? For example, the shoulder of the road by the Bodden Town Primary School is deplorable. The second question is: Is it not correct that the Master Ground Transportation Plan did not recommend any work from Crewe Road upwards during the early years, had it gone into operation?
- HON. LINFORD A. PIERSON:** Madam Speaker, to answer the question, number one, the Member is not paying little attention to the Eastern Districts, we are working within the area of our financial constraints. I do not think the second part of the question is really relevant.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Would the Honourable Member say whether the group making the assessment on roads has reached a stage that they could tell us what it would cost to do all the repairs in Grand Cayman and Cayman Brac?
- HON. LINFORD A. PIERSON:** Madam Speaker, I am surprised to get that question. Had the Member attended the meetings of the GRIPS Committee he would have been totally acquainted with the details. But he chose not to do so. Unfortunately, I do not have those details with me.
- MADAM SPEAKER:** The next question is No. 47, 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 ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE**
- NO. 47:** Would the Honourable Member say whether any crushed rock was stockpiled on the South Side of Cayman Brac for Government during the last three months and, if so, on which parcel of land and the name of the owner of the said property?

**ANSWER:** Yes. Four-inch, minus crusher run material, was stockpiled on the South Side of Cayman Brac within the last three months on Block 99A, Parcel 125, owned by Mrs. Shirley O Ryan.

**MADAM SPEAKER:** If there is no supplementary, the next question is No. 48, 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 ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE**

**NO. 48:** Would the Honourable Member say how far has the blasting and excavation work on the South Side channel in Cayman Brac reached to date?

**ANSWER:** On 16th January, 1992, on-site mobilisation was made. It was determined then that the original plan of utilising a work barge as the operations centre for the drilling equipment would be aborted and it would be necessary to construct a 400 foot metal air delivery system.

The materials for the air delivery system was shipped to Cayman Brac on 27th January, 1992. Works commenced on construction on this system on 8th February, 1992, with an estimated completion date of 15th February. It is anticipated that the drilling will commence by 19th February upon completion of equipment trials.

The estimated completion of the drilling and blasting will be during the last week of March. The clearance of the debris will begin immediately thereafter with the estimated completion of this project by the last week of April.

**SUPPLEMENTARY:**

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

**MR. GILBERT A. McLEAN:** Madam Speaker, this work is being undertaken jointly by companies out of Grand Cayman, where I understand that a large part of the cost of this exercise has been the mobilisation to take equipment to Cayman Brac. Would the Member give consideration where it might be appropriate to have work done in areas where similar blasting might be required for Government, should proper proposals be put forward to the Portfolio?

**HON. LINFORD A. PIERSON:** Yes, Madam Speaker, we would be happy to study the problems and if possible do something about them.

**MADAM SPEAKER:** That concludes Question Time for this morning. We will proceed to Government Business continuation of the debate on the Throne Speech. The Second Elected Member for Cayman Brac and Little Cayman continuing.

**GOVERNMENT BUSINESS**

**CONTINUATION OF THE DEBATE ON THE THRONE SPEECH  
DELIVERED BY HIS EXCELLENCY THE GOVERNOR  
MR. ALAN J. SCOTT, CVO, CBE  
ON FRIDAY, 14TH FEBRUARY, 1992**

**MR. GILBERT A. McLEAN:** Madam Speaker, when the House adjourned on Monday, I was commenting on the Throne Speech under the subject of Education. I was then making the point about the need for the Government and this country giving serious thought and direction towards skilled training. I had also made a comment regarding adult education and why it is desirable, particularly in light of the fact that our population is not growing the way that it could be; and the numbers of non-Caymanians were certainly on the increase. I also pointed out that adult education was desirable in that persons were more mature and we do have a number of Caymanians including housewives who have basic education but could be trained for improvements in certain areas.

I understand that there are night school classes available here in Cayman through ICCI. I also believe the Community College offers a certain amount. I would like to suggest that the Government look at the possibility of perhaps offering legal studies through the Law School in the diploma and degree area and so on at nights when persons who are working and are desirous of studying this particular subject could have an opportunity to attend. I realise that it would entail perhaps an enhancement of salary to some of the staff presently there, but I think that could be done on the basis of their hourly pay and certainly it would not be free. The people who wish to attend would certainly have to pay for such a privilege. But I think this is one very important area of study and I would ask that the Government give serious consideration to it.

I am very happy to know that we are utilising the University of the West Indies as far as distance learning goes. I believe that institution is best geared to give West Indian people education which is pertinent to our region. I am aware that there are various social problems in some of the Islands

and there is a question of safety in some of the Islands where the campuses are. But I think that wherever possible students should be encouraged to make use of the University of the West Indies, particularly since the Government of the Cayman Islands has various credits because we faithfully pay our dues. Yet, there are only a very small number of students who go there. At least in distance learning I think it is quite commendable that the Government has linked up with this and is working towards making this available here in our schools.

There has been controversy over the years about what is the best form of education and I have normally heard it compared British education versus U.S. education. In more recent times there is also the question of education in Canada. There are some variables in approach and so people make great ado about it. I believe that education in any particular subject is the same, the approach might be slightly different. Mathematics taught in Canada has to be the same mathematics that is taught in America, same mathematics that is taught under the British system.

I do not have any particular axe to grind where the different systems are chosen. We have, according to the Member responsible for Education, chosen to go with the CXC (Caribbean Examination Council Examinations) which I can only judge by what documentation I have seen on it and the meeting which all Members had with five professors who are a part of this body when they met with us a few days ago in the Conference Room of this Legislative Assembly.

I might say that my first profession was a teacher so I am not altogether a dunce when it comes to being in a position to make some assessment of what was said and I am satisfied that the subjects which they talked about and they explained to us and the level of these examinations, that is the CXC, are comparable to the GCSE and indeed, the GCE O'Level. What I found very revealing was that British counter-parts at institutions and universities in England have queried the educators here in the Caribbean who have developed this education programme and asked them why do they set the standards so high and why do they mark so harshly?

In this particular meeting no comment was made but last year I had occasion to meet a well known professor here in the West Indies. Another person and I were having lunch with him and we asked about this CXC examination and that was the first time I heard that there was some concern about how hard the exams were marked and why and so on. His reply was, well you know we are the Caribbean and the persons from the industrialized countries do not necessarily want to say that we are equal so we have to try harder and mark harder and make sure that we demand more of our students to get the recognition which we would require from the industrialized countries. Perhaps that is the reason.

The point that I make is that there are subjects available that are not available under GCSE and not under GCE. For example, the professors explained there is a subject called Tourism. Certainly I think that the Cayman Islands could benefit immensely from having that as a subject in the schools and it is my understanding that when this subject is completed as with English and Mathematics during that course of study all the basic fundamentals of what go together to make up the elements of Tourism are taught and students are tested thereon.

The other thing that caught my attention was the fact that a country may have a particular need for a particular subject and the subject of Tourism came as a result. I think if I recall the Bahamas and Jamaica asking for it, this group of experts can actually develop a particular subject for this region and I think that is very good indeed. I have no doubts in my mind that the CXC Examination will not hurt our education system, perhaps it may help in that it will bring it more in line by teaching subjects which are of specific need to our country.

At this time it seems that naming things has become the order of the day. I have seen in the newspaper where a road has been changed from Jennett Street to Doctor Roy McTaggart Street. In fact, there was an editorial on it and comments from the paper. I agree with some of the ideas put forward in that particular article, with others I did not necessarily share the view. I would think, however, that when changes like that are being made for roads (for example, where a road is already named), it could not hurt to have a bit of public airing or a bit of public input on the idea.

Certainly, where the two largest schools in this country are concerned, the Middle School and the High School, for their names to be changed then I think that matter should have had some public input. These schools are owned by Government, the people of this country and if the Government of the day, the Member for Education or whoever came up with this idea, wishes to show particular tribute to teachers in this country then I think that the hundreds of past students of these schools and schools over the years should have had some say in this. For the two names to be chosen for the reasons that I have read in the paper the names, that is of John Grey and Reverend Hicks, I think there are a lots of other elements or reasons why other names could have been considered.

Our Caymanian teachers have laboured in the field for years and years and I think it would be indeed, very laudable to recognise them. There are many and some outstanding ones that come to mind would be, Buddy McField (Teacher McField as he was called) Miss Genevieve Bodden, Mrs. Theoline McCoy, Mrs. Islay Conolly, Mrs. Ailene McField.... There are many, may more that I have not named here and by no means am I attempting to slight them by not mentioning them. So when we get to name changing I think it is important when it says something a little extra about our own people and it never hurts for a little charity at home.

I am one who is for the development of Caymanian culture and I was pleased to read what the Governor had to say about the Cayman Cultural Foundation. He mentioned that a play was soon to be put on stage called Rundown. I have myself seen that play and I was most impressed by the things that are seen through other peoples eyes. It covered quite a large spectrum of people and events in this country, including all of the Members of this House and whether or not they were 100 per cent accurate I found it most interesting and revealing to say the least. It says to me that the play writers or the public on the whole, is by

no means blind or unaware of what is happening in this country.

As a politician I have learned a lesson that I should be aware of the way I conduct my political life and otherwise. There are those who look on, and, indeed, from a political point of view, the public is not easily fooled, or 'mamaguised' as we say here in the West Indies. They do have their ideas about things and events as to what should be and what should not be. The play has been playing to sold out audiences and I can easily see why.

I am very happy also to know that the National Archives is continuing on in its development. I believe that it could have been in terms of the building and so on being completed for 50 if not a 100 per cent less because my information is that the building was very unsuitable and the changes which had to be made and all the rest of it has cost way beyond what could ever be expected to be reasonable. However, this Government is a spending one and that is nothing new. What I am heartened by is that if in that building can be housed our history and the documentation which has made us unique and the people that we are, that is good, for there is some saying that goes something to the effect that 'those who are unaware of their history are condemned to repeat it'. Some of our history I would not necessarily want to repeat but it is good it is there as a reminder and as a guide to our future.

The Public Library is serving a very good purpose. I think it is very well located where it is right in the centre of town, but it is woefully small. I honestly believe that a building should be built in that same area and not necessarily knocking that one down if it is desirable to keep it as an older building for whatever value it has in that respect but I think a building should be built of a size that large volumes or reading material can be housed there. It is in the town centre and I think it is very, very desirable for this to be done.

Reading should be encouraged in this society for therein lies knowledge and I think that reading has fallen off considerably in this country since television has come about, not unlike the way it is in the United States and other such countries. I think it is very desirable also for libraries in the various districts and I support that idea and I encourage it.

On the subject of sports, I am glad to hear that a development plan for sports is in the making. But in the meantime I think that many things can be done. I believe that to really reach the most people we have to do it at the community level. Community level meaning that in each community there needs to be some facilities created such as playfields and such as buildings where outside sports can be played on the playfields and inside sports such as boxing and badminton etcetera, can be played. It is not really sufficient to build a big complex at the Middle School here in George Town and expect that children after school and so on from the other districts can drive in there to make use of those facilities. That is not practical and sensible and it takes children away from the supervision they would have in their own districts.

In Cayman Brac I would encourage it in the various districts on that Island. I cannot agree that on the Bluff where a big complex has been envisioned and has been going on for many years and thousands, perhaps hundreds of thousands of dollars have been spent will serve the needs of Cayman Brac. But if a small playfield is put in Spott Bay, one in Watering Place, one in the West End and so on, children and young people will have opportunity of sports there within near distance of where they live. Sports is very essential as it is a means of harnessing the energies of young people that could otherwise be misdirected.

On the matter of the Health Services in this country, I believe that one of any country's priorities should be that of good health care services to all of the people of the country. I certainly feel that way about my country, the Cayman Islands. My belief for health care services should be that Service. For those services there is a charge that is within reason and is affordable to all concerned. I do not look upon health care as a business to make money. That I understand is an idea that has been put forward or proffered now by the Health Services Authority, at least some in it and I disagree with it. Doctors, nurses, whoever must make money but it must not be a money generating excess machine. Something like that is happening, to my understanding in the United States, where it is treated as a business and large sums of money are charged. That is why there are over \$30 million Americans that do not have access to health care services. Indeed, that is a big topic now in the United States elections.

I have said many times (and I say again) that our hospital here does a good job. There are problems, there are specific incidents where a nurse or a doctor or whoever may be criticised but overall we have good health care services. It is wrong in any instance to let it appear to be otherwise, to cry it down. I have Caymanians talking heard on many occasions that no one in that Hospital could ever put their hand on them. If they get sick they are going to Miami. I wondered, if that person had a stroke or a heart attack or any type of ailment that could occur quickly, whether someone in Miami would bend down in the road or wherever and pick them up and take them to a hospital in Miami, or whether, indeed, they would go to our Hospital here.

I think too many people make too many broad and wide-sweeping statements for the help of anybody. There is at this time in almost every newspaper some question about a new hospital, that it will be located in an area of swamp land. I, like many (and I believe the majority of Caymanians) believe it would be good to have a new hospital. My problem with it is that we should not attempt to have it now - because of the recession that is in this country, because of the level of loans and indebtedness that we are presently in and because it will be one more immediate expense on the country.

I think that the idea of a National Health Insurance is a good thing and that the Member should have this implemented and working within the present Hospital system so that the Hospital can prove to the world that indeed, it can break even or indeed, it can make a profit and that all the glitzes in that can be ironed out, then when it is generating money and that large expenditure of Government is relieved then we can look at a new Hospital.

I also disagree with building the Hospital where it is proposed to



be built. Under no circumstances, knowing the amount of land mass in this country, can I believe that that is a practical and a sound management decision. I have disagreed with it before, I disagree with it now and I continue to disagree with it.

For the Cayman Brac Faith Hospital, I know there are also in place certain plans for work to be done on that. While I do not disagree for a moment that it would be desirable to have 18 rooms there and to have a nice new facility, I think it is at this time meeting the demand and it can be used for awhile yet. There can be some renovations done to create the offices where they should be at the front and more serviceable and more accessible and rooms can be put if that is a necessary thing at this time, two, three as the case may be. It is my understanding that here at the George Town Hospital and on the Brac, sometimes the Hospital is virtually empty. There are other times when it is crowded and so that is with most things in life.

In Cayman Brac and in Grand Cayman what I believe is absolutely essential at this time is to build a wing onto each of these Hospitals where our mentally ill patients can be dealt with. Particularly in Cayman Brac it concerns me considerably and quite recently I was talking with someone who has a member of their family who has a mental problem.

There was an incident where this man was arrested and taken by the police... and rather than having a place here in Grand Cayman where he could be taken and housed and treated until he came out of the spell, or have one in Cayman Brac... he was locked up in the George Town prison. His mother called me from the Brac and asked me if I would go to see him. What a pathetic sight, the man shaking and trembling to pieces. The police were very helpful in allowing me to see him, giving him what medication there was there for him. But the man was locked into a prison when he should have been in a room where doctors would be attending him and not Prison Officers. That is a priority, I believe and I think it is one that should be addressed forthwith. Build a wing here in this Hospital and that should not come about after there is a Hospital built over in the swamp. Do it now! Money has been allocated from two years ago for certain renovations in the George Town Hospital that have not come about. Build some rooms there, put a wing on so that people can be handled.

Do it in Cayman Brac and one comes down, particularly the argument for Cayman Brac, to the position if a person who is mentally ill has to be taken into custody, he leaves his parents or his family in Cayman Brac and comes here to Grand Cayman, they cannot take a plane to come to Grand Cayman to wash some clothes for him or to bring him some food which might help the limited facilities here at the Hospital. But if he is there in Cayman Brac it can certainly be done.

In recent times, with someone who knows we were trying to count the number of persons who have some need for mental health care and there we came up with at least 10 persons, so there is a need there and I am asking the Member for Health to take note of that and get it in as one of his priorities.

Environmental Health is extremely important. It is my understanding that this department functions quite well within its means and within its manpower. It is something which undoubtedly is going to grow because there is greater stress constantly growing in that area and as we become more and more consumer orientated, the more and more waste is going to be created, as there is more and more mingling of persons together there will be more and more diseases and if it can be treated and controlled from the point of view environmental health and so on, then that is indeed desirable.

On the question of Youth Services I find that much needs to be done. It is one of our biggest problems now, the problem of youth. We do not have facilities to properly take care of them. There are various suggestions as how it can be done. Certainly one that I do not subscribe to is taking our youth and sending them to the United States and a completely different culture where it might work out to be like a \$100,000 per year per child. I cannot agree with that. I firmly believe that the Government, this Government or whichever Government that might come about needs to address this problem by building a facility or facilities where troubled youth can be offered the type of environment of home. Most of the troubled youths do not get the proper home environment and home environment is such that we cannot expect to find people who have families and are doing their best to survive in our type of society now to take on troubled youth and take them in an adopting type of fashion and deal with it. We cannot expect that so we need to make every effort and great and heavy priority needs to go in this area.

A study has recently been done and I think it is good that a study has been done but this idea that we can take our people and transplant them into another country for their social development is ludicrous. I think we ought to get away from that situation and deal as specifically as we can with the problem of youth.

There have been various incidents involving youth in this country: Murder, robbery, incidents relating to rape, violence against teachers, all sorts of things. It is the clearest and bleakest message to this country that we have a problem and a problem that we need to address. We have to save those people. Get them into the right path. I am not convinced that all that is said by the Government that they are doing this and they are doing that and doing the next thing is practically addressing the situation. It is giving the Government a position to put itself in the light that it is doing something but I am talking about an all out effort directed to it. Putting funds to it, finding enough staff to deal with the situation. We hear of youth who are being incarcerated, locked up in prison, held by police.

The Juvenile Law says that they should be separated from other persons who are in prison and from the police and all the rest of it. We do not have any such facility, so there are designated certain police stations for a place of safety. The children are not secluded there in the manner they are supposed to be and I see that since I asked a question about places of safety the Cayman Brac Police Station has been designated a lock-up or a place of safety for juveniles. It simply goes to fortify the fact that most recently a juvenile, a young person was incarcerated there illegally because it was not a place of safety.

There is little use to have roads, there is little use to have big

buildings if the roads are going to serve as quick access for youth to reach from point A to point B to commit a crime or if there are going to be youths who are going to come up to burn down these buildings or to knock the windows out and so on. We need to address the problem of youth in a practical manner and it involves everyone in this community - the political people, parents, teachers, churches and the Chamber of Commerce, it would be a very excellent project, I think, for them to become considerably involved in.

The Housing Development Cooperation is functioning but it needs cash. I had occasion recently to see a presentation by the Housing Development Cooperation and for those persons who believe there are no poor people in Cayman and every body lives in a condominium they should have seen some of those slides because it would bring home to all of us the fact that there is a considerable need in this country for housing. It can be addressed, it should be addressed and I trust it will be addressed.

The banks, finance houses, be they whatever (the people of this country who might wish to invest in debentures right now), the Housing Development Cooperation is offering opportunities where they are paying higher interest than is available than in any banking accounts and so on. I would encourage all of us in this country to look to financing that through some of the means that are presently available. It was most encouraging when I saw some of the houses from mere little lean-tos, to where some people in this country have been able to have very nice little houses.

I come to the Portfolio of Communications and Works. I hope when the new tower that is being built is built, we will not hear of another one any too soon thereafter for in the line of communications with radios and all the rest of it we have certainly paid a hefty price over the past two years in having a new system put in by Motorola and so on and so forth.

Cable and Wireless has been granted another franchise for two decades, 20 years. According to the Throne Speech the Government will stand to derive considerable revenue from it. That is good. Cable and Wireless is an international company, one of the biggest I am made to understand in the communication business. Generally they provide a very good service in this country, they have a good record of training local staff and I compliment them on that.

Where the public is concerned, I think one has to look at two aspects - service and the cost. The service as I said is generally good but keeping the cost down is extremely important. We can not lose sight of the fact that Cable and Wireless is a monopoly in these Islands and the way I get it, that if one burps in decibels of a certain level it is covered under that franchise. We should attempt to keep some flexibility I think, that is, the country, and not have situations where we impede other conditions such as may have been the case with the much talked about Radar Station with the American Government and Cable and Wireless who from what I gathered from the papers could not reach some acceptable communication.

I think a new Communication Law is necessary and I trust in that will be included such things, if that is the appropriate law for it to come in to, that people cannot at their discretion tap people's telephones as came up here in a question this morning at Question Time. I believe that the Government and anyone in it should not be in a position to tap any telephone lines be it in investigation of a criminal matter or not without getting an approval from the court. I would like to see that into whatever law is appropriate, Radio Law, Telecommunications Law, I do not care which but privacy should not be open to invasion simply by someone in authority deciding, yes, go ahead and tap that phone. Which again, was my understanding can be done without a court order, in reply to a question I asked sometime last year.

Agriculture: We need to encourage it to whatever extent that we can realistically carry on agriculture in this country. We have a Farmer's Market and I am made to understand that generally speaking it operates quite well. They take much of the crops that are produced by farmers and that there is a clientele to buy fresh produce, meats and so on. Agriculture, I believe can be helped where the Government makes available loans to farmers; where it makes available advice to farmers.

We have employed quite a battery of experts and I would hope that the Member responsible for agriculture would look to setting them at work in giving advice on such things now as lime trees which I understand are dying and other citrus trees and the avocado pear, in particular. If we can produce agricultural products we are to some extent, no matter how small, keeping hard currency in our country for unless we can produce it, we continue to buy everything overseas.

On the question of the Post Offices, I think that the Member responsible for Post Offices could do an immense job if he started in the General Post Office right here in George Town. It is one of the darkest and most poorly lit buildings, I think there is in Grand Cayman. I believe that it is possible for him to consult with people who are lighting experts, and we do go all the way on experts. Maybe for one or two days someone could be employed who runs a company who specialises in lighting to look at that situation. Whether it is to put in a ceiling or put in more fluorescent lights, or whatever. I believe there is a problem there of lighting.

It is very cramped. I believe that it is possible to change the layout in the Post Office so as to create more room by a re-arrangement of some of the work stations, making life easier for those who are there, improving the stools the people sit on all day to sell little items like stamps for five or 10 cents and dollar. Great improvement can come there.

That Post Office should not be left vacant for any that might be built elsewhere. It is in the centre of town and it has a history and I think the changes can be made in it and should be made there. The Seven Mile luxury, under-utilised, high cost Post Office is functioning and I understand that there are hundreds and hundreds of boxes that are not rented and will not be rented because the costings and the forecastings that were done and were sold so mightily in this House were not accurate. They are vacant there. Of course we are tied into a five-year lease where the owners of the building profit handsomely.

When a lot of planes began flying to the Cayman Islands, in addition to Cayman Airways, the term was used by His Excellency the Governor of an over provision and I think

that that word very accurately expresses the situation with the new Post Office in North Side - an over provision. Again, that is committed and again that is an expense and again when and in what generation would that building ever be paid for through revenue earning selling stamps? These are the considerations I believe that need to be taken into account that are not, in many instances.

Turning to the Department of Vehicle and Equipment Services. I do not disagree that it is a modern concept which has been instituted under the new Traffic Law. But I think one needs to take time getting into this particular new exercise and getting the inspection established in the buildings built on the North Sound Road. I think an Inspectorate divorced from the Police does have its merits. I understand too that a position of Deputy is being created to take care of this particular situation. What is not clear to me and the law makes no reference to, is what will happen in Cayman Brac and Little Cayman? Do the Police continue to inspect there or will it be set up in the Public Works Compound on Cayman Brac for it to be done and if that is the case then who will be doing the inspection there?

Cayman Brac keeps getting left out in these occasions time and again and it is really nothing new but I think something needs to be made clear in that respect. Also, here there is one type of record book for inspections coming out of a computer, it is a computer sheet. On the Brac, there is still the little booklets that were in place before. A change in this particular law that came about when it was passed here a few weeks ago was that people can no longer licence their vehicle quarterly. Whether or not the Government or the Member responsible for this believes that all the people in Cayman who have vehicles to licence can pay for them by the year or every six months, is wrong. There is a question of cash flow and cash shortage and many people in this country can but meet a quarterly licencing but that can no longer be done now. You have to licence at least for six months and if you licence for six months you get penalised for not licencing for a year. It is ridiculous. It should be changed, Madam Speaker.

However, I wish the changes well that are to come about and I look forward to seeing what will be the end result.

**MADAM SPEAKER:** Would this be an opportunity to take a suspension?

**MR. GILBERT A. McLEAN:** Yes, Madam Speaker.

**MADAM SPEAKER:** The House will suspended for 15 minutes.

#### AT 11:26 A.M. THE HOUSE WAS SUSPENDED

#### HOUSE RESUMED AT 11:53 A.M.

**MADAM SPEAKER:** Please be seated. Proceedings are resumed, the Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. When we took the break I was speaking on the matter relating to Communications and Works and, during the course of my debate, I also referred to the question of a place of safety for juveniles.

I would like to clarify that the Gazette I referred to was of the 17th of March, 1986, which named the Cayman Brac Police Station lock-up as a place of safety. I would like to clarify the position to the extent that I have seen no Gazette, since the time of coming into effect of the new Law, which designates that as a place of safety.

Madam Speaker, the economy of this country is of great concern to me. I think that not before have we seen such a downturn of conditions in the Cayman Islands, at least not in recent years since we had the boom. There is a world-wide recession and, of course, we are having our share of it.

What I see as a priority is for the Government (if the Government is indeed doing what it should) to be conscious of the extent of spending in this country. What could be done for the economy at this time is to not enter into further expenses, loans and indebtedness. Save, instead of spend. Watch wastage in manpower and material in the country, for it is my opinion there are not many other areas of revenue that have not been tapped, at this time, by the present Government to the point of \$20 million altogether in taxes over the past 16 months. So this must be, in my opinion, a matter of great concern for this country. That certainly is one of the areas that I feel most strongly about in this forthcoming election. I have said so prior to this, and that will be one of the main campaign issues where I am concerned.

As the process of the election gets closer in March there should be the polling of voters; the names of voters will be taken; and more and more persons will enter the political race. At present, in this House, we have a Government Bench and we have a Backbench of which I am a part. Of course the Backbench is divided, although many people may not think of it or be aware of it, because at least one person on this side is clearly a Government Backbencher and the others have taken a position of Opposition Backbench.

As the time nears for elections there will grow more and more definition as to what will be taking place in this country in terms of sides and groupings. At this time I would like to make a few comments in respect of my own position in regard to what is publicly commonly called the Backbench. Before I do so I crave your indulgence to read from the Hansard of this Honourable House of the 23rd of November, 1988, which was the first meeting and the first time Members spoke in this House after the new House was sworn in; and it was the first time that I ever spoke in this House. I quote:

"I would like to congratulate the Members of Executive Council who through the democratic process this morning were selected, and to say that I realise, and I am sure they do, that they have in their hands the power given them by the people to run this country for another four years. I, as a Backbencher, intend to see - as far as is possible for an Elected Member of the House - that they do what they are supposed to do.

I am disappointed that in the process here today a Member was not chosen from Cayman Brac and Little Cayman to serve on Executive Council. I strongly believe this is necessary to have the type of representation within the day-to-day workings of Government for the interest of Cayman Brac and Little Cayman to be ensured. These two Islands are very unique in that they are detached from the main Island of Grand Cayman, the seat of Government. However, the needs remain the very same and, by the geographical difference, I feel that oft times these Islands are overlooked."

I would like to quote another section.

"To all of the other Members of this Legislative Assembly I offer my congratulations on their success at the polls. It is my intention to work with them in every way that I can, bearing any personal differences which I might have with any of the Members; and where the Government of the day should bring a motion or any law to this Legislative Assembly which I believe to be in the best interest of the Cayman Islands and its people, I shall support that. If it is a matter which I believe is not in the best interest they can be absolutely assured that I will not support it."

Lastly, and quite briefly I would like to quote from another section.

"I also want to state here that though we did not stand together in Cayman Brac, the people of Cayman Brac and Little Cayman can be assured that I will work in every which way I can toward helping that district with the other Member who has been chosen by the people, Captain Mabry Kirkconnell.

I look forward to the next four years, Mr. President, working with yourself and the other Members who have been chosen by the people of these Islands to represent them in the next four years."

In the very beginning I did my best to state what my position would be in this Legislative Assembly and, if I may speak on my own behalf, I think that I have done what I said I would do. The present composition of our Legislative Assembly came about when certain Elected Members were chosen to be Government Members, by the Elected Members, and those four Members sit on the Government side; namely two Members for George Town, the Member for North Side, and the Member for West Bay.

It is well known that I did not elect those gentlemen to that position as I was not a part of that group at that time which formed a seven-man majority. The others were the First Elected Member for Bodden Town, Mr. Franklin Smith who resigned, and the First Elected Member for West Bay. During the course of the life of the Legislature there have been certain changes which have come about and the three Members of the Backbench, whom I have just mentioned, withdrew their support from the Government and thus the Government was left without a majority on the Backbench.

In the process there were mixings with persons who were previously on this Backbench, namely the Third Elected Member for George Town, myself, and the Third Elected Member for West Bay and, for a while, the First Elected Member for Cayman Brac. One could say that it was a most unexpected grouping or alliance.

I believe all things are possible in politics, therefore, it was no shock to me when the three Members joined with (should I say?) the other four who are here. We know that the House, this Legislature, changed when the Finance Committee changed putting the Government in a position to vote the monies needed to carry on its projects. The other course which was open to His Excellency the Governor was to call a General Election, and he did not do so. In fact, the Constitutional Commissioners noted that and that it was not seen to be the wise thing to do. I do not think that is correct, but it did not happen.

During the course of this Session, I have personally worked with all of the Members of the Backbench, that is the seven who have become known as Backbenchers. There has been no doubt in my mind of the sincerity of action and the fact that when I opposed something, I opposed it as I said I would when I first spoke in this House.

At this time the public on a whole is being fed numerous rumours about what is happening in the Government and the so-called Backbench groups; and there are varied and numerous stories. What concerns me particularly is that persons are attempting to give the impression that the country is getting into an unstable situation where it is no longer clear whether there is an opposition to Government, or a Government.

We hear lots of people mouthing stability, and I place the most and highest value on stability of character. I do not particularly subscribe to all the little words used about stability of this, and stability of that, and stable economy and stable this. All necessary, but I place great weight on stability of character. In so doing I am in a position to deal with all Government Members in a manner which I believe is correct and proper for me, as an Elected Member, to show them the respect due their office.

When I, as a Member, need to find out if people can go to jail

because they have a 10 year old *Penthouse* or *Playboy* magazine - when I hear it, I cannot believe it - I go to the Honourable Attorney General as I did on one occasion to ask him if this was so. He showed me the particular Law and said, "Well there are certain magazines that can get you in trouble with the Law."

If I have to deal with something concerning the Brac, the Administrative Secretary is the person responsible, so I talk to him personally - Mr. Lemuel Hurlston. If I have to go to the person responsible for looking after the welfare of labour at a hotel and wish the labour team to go to the Brac to look into it, I go to the First Elected Member for George Town, Mr. Norman Bodden. If I have to represent my people by asking a Government Member to look at a situation where a husband and wife have a \$9,000 loan with Government, for their children, and are having difficulties, and want the Government to stretch it out over a longer repayment period or to waive it, I go to the Member for Health and Social Services, Mr. Ezzard Miller. If there is a problem with roads, as there have been many, I go to the Member responsible for Communications, Mr. Linford Pierson. I must declare this to be a fact. Never, since those Members have been on the Government side and I on this side, have they ever attempted to change me as an Opposition Member; they have never attempted such a thing and I have never made any such offers to change to be one of them.

They know I am an Opposition Member. They know I will oppose when others may not, or I may sit and remain silent. So I think we have quite a regard for each other. I think it is mutual. I do not walk around thinking that they like me. They do not have to. I do not have to like them. But that is the way this situation is and that is the proper way it should be, in my opinion. That is how I understand a House should function under a Westminster system. It is antagonistic politics, if you will, but I state my position to make that clear. As I said, I did not elect the gentlemen. They know who did. The country knows who did and every now and then it is necessary to remind the country and the public who did.

I am particularly perturbed at this time that the country is getting the wrong message and the electorate is becoming concerned that they do not have the hope vested, which I believe they have had over a period of time, in the so called seven Backbenchers because of certain problems within. I have received numerous phone calls and queries from people. I have received numerous information from sources as far-fetched as the police, bankers, parties on board our ship, breakfast at the Beach Club Colony, and all over, that I am attempting to act in some way which is inconsistent in giving my people, whom I represent, the representation they deserve. I need to make my position clear.

I am one of the Members of this House, to the best of my knowledge and ability, who tries to make myself very clear on where I stand on any particular issue. Certain Members do not see eye-to-eye with me, and that is fine. I do not see eye-to-eye with them on certain things, but one matter is still before this country now and that is the matter of the Constitution which, in my mind, is sacred. When the Review first started it was above the level of any personalities. I refuse to believe that our Constitutional Review was Benson Ebank's Review. I am referring to the Member of Council for West Bay. I would not pay that kind of tribute to say that was his Review. It was the Review of the Cayman Islands' people, every man, woman, child, and the Members of this Legislative Assembly. That is why I, on two occasions, attempted to bring together all 12 Elected Members so that it could not be said it was any one person's Constitutional Review.

I remember it so vividly because of the treachery that went on against the late Jim Bodden when he was accused in this Chamber of trying to bring about Constitutional change. Others were involved but they tried to saddle one person with it. So this was the country's Review. I think the point needs to be made that everything to be done by that Select Committee of this Honourable House was set down in the Motion. The British Government sent their Commissioners, the Committee asked for various clarifications and it was given; and every person had their say in what happened with the Constitution.

I am not a person who believes the doctrine that progress remains stagnant or goes backward. We are all going forward to our graves - so is life, and so is death. So let us carry on with progress. I believe that there are persons here who would do anything they could to stop the process of any change in this country for the next 100 years; not necessarily because it is a good thing, but because it suits them to do so personally.

I had disagreements on this question of the Constitution. The First Elected Member for Bodden Town, the First Elected Member for Cayman Brac, and I were the only three Members from this side that had, what I believe, the good sense to vote to accept the Report of which we were all a part. What everyone said and all disagreements are recorded in the Minutes. Since that time I have been having certain problems and difficulties with the group of Members of this Legislative Assembly which make up the so-called Backbench. I have been accused that I am destabilising the position because I have joined Government. Ask Government and hear what Government tells you about that.

My position on the Constitution, as I stated earlier, is that it is in the hands of the United Kingdom Government; the Government of that country which every Member here swears they want to be a part of, and to give that country the sole right to make the final decision. I am a part of that. The United Kingdom Government has not yet made the decision in respect of what it will accept from their Commissioners' recommendations and those of the Select Committee but I have faith that that will come soon. If the British Government wish to give this country more than we, as Legislators, put into the recommendations to them, I will absolutely do everything in the world to reject it. If they accept what the Select Committee, made up of all Members, has given then naturally I am very happy with it because it is a consensus view of all of us.

I have tried, since last year, to get across to some of my colleagues, but to no avail, that the country deserves politics to begin for the side of the House known as the Backbench, and for it to continue to persist against Government policies and to further persuade the public that we represent an alternative, basically in three ways. One, I have suggested that we put out a public statement to the world that we are standing together collectively as one. Two, that we should make a statement as to the priorities of this country as we see them, so that the public will not be kept in darkness as to what we stand for. Thirdly, to

continue the success of collectively holding meetings throughout this country as we have done.

I have been a voice crying in the wilderness on this. I hear objections because there are differences of opinion on the Constitution - because the statements on the priorities will be taken as manifestos and they will kill us; and that each Member should hold his own meetings in his own district, and so forth.

Madam Speaker, God said in His Holy Word that you cannot serve God and Mammon. You are either collective or you are not. The last occasion I had to discuss this with the group was on the 18th of October and it drew every negative that it possibly could. I could add that I made another suggestion which was that we should select a person to chair our meetings and select one to keep the Minutes. If I was not the size I am, I suppose that, figuratively speaking, I may have been eaten. The situation was that I left that meeting with the understanding that, prior to that, the group had agreed they would support the idea of my finding a running mate for this forthcoming Election. And, of course, I told them that would be in the person of Attorney Juliana O'Connor.

I left the meeting saying that I thought I had better leave because it appeared to me as though I was causing problems within the group which I did not want to do, and that perhaps without my presence they would get on and do what they had to do. So I would walk to the sound of my own drummer and try to represent the people who have elected me. Since that time all sorts of vicious rumours have been circulating in this country about me. I wish them to stop. To those persons who know that they are creating them, and putting them out, and all the rest of it, I certainly would like that to stop - for my own well-being, and that of the country.

I should not want, for one moment, the people of the Cayman Islands to believe that I have changed any position that I have held over the period of the last three years. I have been in the political arena (but not elected) since 1984. At that time an incubus, who used to publish a newspaper in Bodden Town, told me in Dominique's restaurant that he would personally tear me up because I would not personally attack James Manoa Bodden, who was the Minister of the Portfolio where I worked. He did that, he did a very good job of that but I never tore up the late Jim Bodden. I disagreed with policies and so on. That is what I do with this present Government, but I will not try to impress anyone in this House that I have variance of opinion with on subjects and methodology. If there are those who believe that is a necessity, then they may proceed and do so. I will not attack the families of Members of this House because I do not want them to attack mine. I will not get into that personality scandal. I have not done so and I will not do so now.

Things have happened within the group of which I am seen as being a Member - and I have heard the Government often say, "collectively guilty", which as far as I am concerned amounts to outright treachery and conspiracy... All I want to say is that if there be Brutuses, I am not Caesar! I will not be stuck in the belly or in the back. Let whatever must be, go on. Tell the public what one's opinions and positions are. I will do the same where I am concerned. All that I wish to do in this forthcoming election is to show respect to all persons (as I have done) and not be hampered and lied upon so that I can get on with my campaigning in the District of Cayman Brac and Little Cayman where, as I have stated, I am going to run.

Since last year I have held three meetings with my running mate, Miss Juliana O'Connor, and we intend to carry it on. I will not become a sacrificial lamb for any Member of this House who wishes to use me to misinform the public about what is happening in the political arena of this country, or that I am doing something to sabotage anything which the larger group may wish to do. I will not do it in this House, I will not do it outside.

Madam Speaker, on Monday I referred to the question of the Constitution, and I have made known my stance to the people I represent in Cayman Brac. I wrote to the Commissioners asking them to hold an open meeting. They did so, and that is when they held it in Grand Cayman as well, along with allowing interviews on a personal basis. I have hidden nothing from anyone, nor any of the people I represent.

I campaigned in 1988 on the fact that I believe there should have been more people on Executive Council from the Backbench, and that there should have been Parliamentary Secretaries so that more Backbenchers and ordinary Members could play a part in the day-to-day process. The people elected me. They obviously agreed with what I was saying. I took up the issue, with the Commissioners of having a post designated for Cayman Brac. The Commissioners did not agree with me and they made it known to me in no uncertain terms and so did most of the other Members. It was felt that if that happened the other districts would have to have it too.

I did not go around sticking anyone because they disagreed with me. That was the majority's view. But, what is most unfortunate at this time in this country is that Elected Members in the majority, who are supposedly representing the people, do not want to hold public meetings, and do not want to make a statement in respect of their position, or even say that they are collectively working together. Where does it leave our country now? I believe the Government has not done a good job of stewardship. The country generally believes that, I think; and they are looking for alternatives. Well what is the alternative? Are we not going to present an alternative with which the people can be satisfied?

There are details which have come to me that I have not mentioned since I have been speaking. But I have talked with persons very close to me, including my family, and an extremely good supporter said, "Gilbert, when you go in the House, some time during the Throne Speech try and say, so they will understand, that all of the brains in Cayman are not inside the House." I say it to myself, and I say it to all concerned, that all of the brains of Cayman are not inside the House and some of the people can be fooled but not all. Other people see. To those who doubt it, I say go and see at the play "Rundown".

What I am most interested in is simply to be allowed to continue to do the best that I have done since I was elected without stabbing anyone, without scandalising anyone and

staying away from mud-slinging, and so on, in the forthcoming months in this country during the Election campaign. I do not care who chooses to run. This is a democracy, and he or she who chooses to run in any district is free to do so. Where there are certain ideas about issues, whether it be Government or not, I will criticise them. I will stay away from personalities and families. They will stay away from mine, I hope. I also reserve the right to defend myself in whatever way is appropriate as scandal and rumour and misinformation and "disinformation" breaks loose in this country.

Where do I stand in terms of the so-called Backbenchers? I wish them all well in the pursuit of what is the collective view or the individual view. If there are those who know that they have already won the elections, and even the number that is going to run in each seat and even the designated ministries and all the rest of it, how wonderful.

I am going to be out there, Lord sparing my life, vying to succeed in re-election along with my running mate. And whatever comes of the next election, whoever is elected, I am satisfied that the mechanism and the system proposed by the Commissioners and by the Select Committee is what is needed in my country, the Cayman Islands, to help the Government to function better.

It is time that we move away from a god-like character called 'Governor' who has all the ultimate power and so on, and invites Members to hold certain responsibility and charges them, with that responsibility, to be accountable so that it does not hinder the Governor in seeing to the overall running of this country, and to the management of the subjects which are reserved for him.

Madam Speaker, I want to make very clear that what I have said does not apply to all individuals among the group called Backbenchers, and I particularly want to make clear that it does not apply to the First Elected Member for Bodden Town, Mr. Roy Bodden.

I have been in this House long enough to know that there are people who wait until everyone has spoken and then get up and thunder because nobody is coming behind to reply to them. Well, I have placed myself in such a position, so I shall see what I shall see. Thank you, Madam Speaker. I now sit down.

**MADAM SPEAKER:**  
until 2:15.

Perhaps this might be an opportune time to suspend the House

#### AT 12:39 P.M. THE HOUSE WAS SUSPENDED

#### HOUSE RESUMED AT 2:23 P.M.

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed, debate continues on the Throne Speech. The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I had hoped that one of the Government Members would have spoken and put Government's position on this. However, I would like to begin by moving down through areas of the Throne Speech, looking at the different aspects of Government's policies as set out in the Throne Speech.

The Throne Speech this year has dealt with certain major areas of Government policy and it has been silent on other areas of Government policy. Therefore there remains a considerable amount of uncertainty in the country, and a considerable amount of doubt as to this Government's ability to move the Cayman Islands forward. We continue to remain in an undesirable economic position and we continue to see the problems of the country spiral upwards rather than finding hard solutions to the problems.

The area dealt with in the early stages was the Portfolio of Finance and Development. That, as we know is responsible for presenting the Budget, even though the Budget is produced by the Government itself. The Governor in his speech mentioned that the 1992 Budget was referred to as a prudent combination of controlled recurrent and capital expenditure. However, what is missing from this is that in an effort to balance the Budget a considerable amount of taxes had to be put on the people of the Cayman Islands, some \$10 million this year and \$10 million in the Budget before and I will deal with that at a later stage.

In the area of Banking Supervision I would express my view that perhaps in the future it may be in the interest of the Cayman Islands to increase the Regulatory personnel in the Banking Supervision Department to a stage where it could look at good private banks, not any private bank, but good private banks. We must remember while it is good at this time to be choosy, I believe provided that businesses is good and having regard to the substantial fees which arise from it, we have to be careful to ensure if there is good business in the area of private banking out there, we need to attempt to get that business to the Cayman Islands. I understand clearly however, that to do so it is important that we have the necessary personnel within the Bank Inspectors Department to properly monitor and control those banks.

The Bankers Association (which, I am happy to say, I have continued to remain an associate for the last 20 odd years of the English Institute of Bankers) is an important body and is one in which I believe the Government has to liaise with, remain close to, to ensure that there is continued growth and stability in the private sector. I would also like to congratulate Mrs. Jennifer Dilbert who has been appointed as the Inspector of Banks and Trust Companies and to wish her all the best in this very high and important position. I believe that she will continue to do a good job of supervision as the Cayman Islands have now become known world wide for banking.

Perhaps the largest revenue earner was the Customs Department which is also under the Honourable Financial Secretary and his Department, and is one which is well and ably operated and very efficient. It is good to see that there is now the liaison and the cooperation between the

Customs and the Police in the fight against drug trafficking and that cannot be stressed too greatly because if we lower drug trafficking in the country, we lower the incidents of drugs which are destroying our society. I know at a later stage I would like to deal with the drug problem generally, not just drug trafficking. This is, I believe, the only place the Throne Speech dealt with the question of illegal drugs.

The Insurance Department, which I am very happy to say saw its birth and early days during the time that I was in the Government, has now gone and increased and developed to a stage where we are looking at 365 companies, mainly captive insurance companies, and we are regarded as number two in the world. Obviously the regulatory aspect of the department is important and our reputation lies squarely in the hands of the civil servants who deal with regulating the industry.

I notice that reference has been made to a transfer of business from one international company to a smaller international company and perhaps the time has come, as it has done in many of the other islands and countries, where the Government needs to look carefully at whether there should be some introduction to deal with the mass transfer of policies of insurance from one company to another. The protection of local policy holders is important and while I have no doubt that the Insurance Department will ably do its duty there, perhaps the time has come for that aspect of the legislation to be looked at more carefully.

I notice that the Insurance Department is getting ready to assume responsibilities in relation to the proposed Health Insurance and I can only say there that I wish them luck in their endeavors to deal with the setting up and the operation of it.

One of the very few controversial areas of the Portfolio has been the Marine Survey Department. This Department is clearly the creature of, in other words it has been put in place and developed by the Elected Executive Council Members who have had the policy side of it, even though it is under an Official Member.

I believe that the giving of time to look at the local craft regulations has been good because there are obviously areas of this that have to be looked at very carefully. I believe in control but I believe that control must be reasonable, and it must be practical. I would hope that Government, of which the Elected Members of Executive Council make up the majority, will look carefully again when it comes back to them after it has passed the stage of public comment to adjust it to what the local craft should have as safety controls and other areas of the regulations which relate to it. I believe, notwithstanding the problems that have been faced in the early stages with the Marine Survey Department, that we are now beginning to see the light and one day it will finally pull out and be in a position where it will contribute to the revenues and the reputation of the Cayman Islands.

I would also like to join in my support and congratulations to the Legislative Department for their very capable handling of the affairs of this Legislature, and I too support the making of a department under you Madam Speaker. I believe that you have very dedicated and hard working staff in this Legislature and that long may it continue because it is vital that the process here goes flawlessly and efficiently forward. Having said that I should mention that at a later stage when I will be dealing with the question of what I see as solutions to some of the countries problems, I agree with a separate department substantially on the basis that it will not involve any increase in staff.

The Portfolio of Legal Affairs the Attorney General's Department has increased by leaps and bounds and I believe that he has had probably one of the most rapidly expanding work-loads that we would find in Government in recent years. I know that this Honourable House has also been a part of the reason for that increase but as the country advances it is important that the Laws and the Regulations keep up with the times and with the development of the country.

I am especially proud of the Law School. I am happy that I have had four article clerks of which two are now practicing attorneys and a third one will be so this year. The standard is high, the calibre of student who graduates from there is very high and I believe they have been an asset to the Cayman Islands, and will continue to be especially in the years to come.

I believe it was also wise to have expanded this into the Degree course as well as the Diploma in Legal Studies. My word of caution perhaps, and it is more a matter for the Caymanian Protection Board, is that it must monitor very carefully the number of young attorneys who come out of that Law School and go in practice to ensure that a proper balance is kept between Caymanian Attorneys and the issuing of permits. With that I have to state that at present Caymanians coming out of the Law School are young and many do not have yet the experience that is necessary to fill a place in senior positions within law firms.

I believe, I, as a Caymanian of nearly 23 years of standing as a lawyer, can look at it rationally and hopefully give some guidance as to how best we can ensure the position remains fair to the attorneys who will be graduating from Law School.

It is no secret that crime has spiralled in the Cayman Islands and this has brought a very heavy load on the Legal Department as well as the Judicature, which I will deal with at a later stage. Perhaps one of the more controversial of the departments of the Third Official Member, the Administrative Secretary, is the Royal Cayman Islands Police Force which on a few occasions recently have been in the lime-light with the news media and in the press.

I know that a policeman's life, his position at work is probably one of the most difficult jobs which exists because they are expected to know the Law and expected to know how to carry it out fearlessly, yet, justly, fairly and equitably. There are hundreds of pages of Law reports at times dealing with a case in which you have had the questioning of whether the police have exercised their rights within the Law or outside of the Law. This is why it is very important that in matters which are complex the police must continue to put senior police officers to deal with these matters. It cannot be expected that young police in the force can be put in charge of very complex crimes and be able to perform as well as somebody with more experience.



There is a considerable increase in crime and this has been brought out recently in the Police Report on the matter. I would like now to briefly look at this and look at a few categories where these increases have taken place. The 1991 Annual Report shows at page 43 that the cases cleared up or fully dealt with in 1990 were 2,083 and in 1991, 2,657. Of less importance were the reported cases of 2,821 in 1990 and 3,282 in 1991. But a move from 2,083 to 2,657 is a very substantial increase and it points to the fact that there are problems out there that are increasing and somehow the Government and the Government machinery has not been able to deal with these increases in crime.

Perhaps the more serious increases we have seen was the increase in offences listed on page 42, involving cocaine and here I would only be calling the number of the cleared up offences, not the reported. It increased in 1990 from 202 to 383, in fact these have nearly doubled in the year. There has also been less significant increases in the use of ganja.

One of the very good things in this, and I commend the Attorney General and the police on, is that the offences of possession with intent to supply, that is users, have increased from 23 to 76. I really believe that this is beginning to show positive results and we are now beginning to reach the people who supply drugs - the pushers. This must be where we continue to put the effort because if the supply can be reduced then it must mean that the overall use of drugs must of necessity come down. The aim as mentioned by the Governor in the Throne Speech of targeting drug dealers and traffickers I think is the correct policy and it must continue.

The position on road traffic is one that continues to be serious. The number of offences and the number of fatalities that we have on the street are definitely worrying. We have now passed the new Road Traffic Law and hopefully we will see results from the implementation of this by the police and the Member for Communication and Works under whose Portfolio the non-criminal aspect of it falls.

I was very concerned to have seen where a murder trial was aborted as a result of several matters, one of which was the impersonation of a lawyer. The Law itself is very clear that if you impersonate a police officer it is a criminal offence and while I had never in my 20 odd years as a lawyer heard of even any attempts by a policeman to impersonate a lawyer, when you think of it it is a very serious matter because one of the fundamental rights of an accused person has to be his right to have a lawyer.

Lawyers are officers of the court and their duty is to ensure that justice is done regardless of how hard within their duty they press their clients case. I would hope that somewhere, either through internal orders or if not, through legislation that perhaps we could have the Attorney General look at this aspect for future reference in case it did arise again. It has to be wrong where an accused believes he is talking to a lawyer and then finds he is talking to a policeman. To me it is very worrying and while it may appear to some to be light, I do believe that the accused rights to a lawyer is one of the fundamentals of seeing that democracy and justice is done and is seen to be done. In the future hopefully this will never again be repeated.

The Prison Department continues to deal with the ever increasing number of prisoners in physical buildings or cells which unfortunately are in many instances overcrowded. While I believe that the system of justice has to be one in which there is both the penalty and the rehabilitative side of it, it is important that the Government has what is humane in the form of physical facilities, prison cells, to deal with prisoners.

The Governor mentioned that and I quote him: "they [meaning the prisoners] must be treated as human beings and they must if possible be rehabilitated." It is in this area of rehabilitation that I think the Member has to look constantly and carefully at because the duty of the Government, of the Prison Department must be, wherever possible, to rehabilitate prisoners and to bring them back into society to live normal lives.

It is good to see that there is a Prison Chaplain and two teachers and also that drug counselling programmes will be expanded. Here my view is that prisoners are in prison, not of their own will but because the Law under which this society operates has seen fit to take away their freedom and put them there. If it is necessary to make drug counselling mandatory in prison I think it is merely an extension of the penal system as it is understood in our society.

While I know and understand, and I have been told by the Member and others that they try to operate these on a voluntary basis, the same as the prison sentence is mandatory, I believe that where it is felt that there can be some rehabilitation and help given to prisoners as a result of drug counselling programmes, they should be made to go to them. They are in there anyhow and the least that can be done is to try to help them in this respect. However, when we realise the large number of prisoners who in the short period of the last few years have been sent to Northward Prison, we realise that it must be a constant struggle for the Director of Prisons and his staff to deal with the increased population there. When we visited some time ago, it was at least reassuring that some of the prisoners who were allowed to speak to us did feel that in many respects they were treated fairly. That was reassuring. However, there are obviously problems there and I believe that it has to be looked at carefully, having regard to the large number of prisoners that are now there.

While on this and while it falls under the Member for Social Services I believe that the follow-up after prisoners are released from prison is fairly critical. It is just as critical as the follow-up on a drug user when he is released from a drug rehabilitation centre. I believe the Government has to gear up to see that we have in place what is necessary to help prisoners who come back out and go into society to continue to get back into the normal way of life, to find jobs, to find acceptance again in society and to get rid of any stigma that may exist as a result of that person going to prison. It is a small society and unfortunately areas such as this can be difficult to deal with but I do believe if we see an increase in the intensity of work in this area that it has to produce some good results. In fact, follow-up not only in relation to finding jobs and that sort of thing but also the drug programmes which have been going on in there. If they can be carried on outside of prison, because the person is then out of a controlled environment back into the environment that may have put him in

prison originally by the use of drugs which we know some one-half of the inmates are in there for.

The Immigration Department is to me one of the most crucial departments in seeing that the Cayman Islands progresses, and does so without totally losing its identity. This has been the result of many meetings in a Select Committee that sat over the last few years. I do not intend to spend much time on it now because a draft law should be out to the public in the not-too-distant future, that they can look at, give input back to the Select Committee and then ultimately a law will be brought to this House. I can assure the public that whatever input is given there is going to be properly considered, at least from my point of view, and that we will deal with it with the depth and the understanding that is necessary on such an important Law. Their representations will not just be swept under the carpet but they are going to be looked at carefully and the necessary changes made so that the Law that finally comes out will be one that the majority of the public want.

Under District Administration I believe a lot more has to be done by Government to find a way of moving forward the infrastructure that is necessary for Cayman Brac and Little Cayman to function fully and properly in accordance with the wishes of the people of those two islands.

Government should endeavour to encourage private enterprise so that the country becomes somewhat less dependent on Government projects and more buoyant from the private side. I know a lot of the infrastructure is there now but the two islands have been left without sufficient input, especially on broadening the base of the economy than could have otherwise been the case. They are an integral part of the Cayman Islands and from time to time Government will have to work very closely to find solutions to the problems that exist there, some of which are going to differ from those in Grand Cayman.

There must be a way in which acceptable development can be found in the private sector for the people of Cayman Brac and Little Cayman that would assist them in developing their islands. In saying that, I have regard to the fact that development in Grand Cayman as well as in Cayman Brac and Little Cayman has to be reasonably balanced and more than that it has to be what the people of those specific islands wish to have.

Broadcasting and television - I think the most important aspect is to ensure that there is a balance in programmes as required by the law. In political or other important matters both sides of the argument should be put to the public - the advantages and the disadvantages. Television is such a powerful media and radio broadcasting should properly follow within the law which has been laid down for ensuring a balance in subjects and topics.

The Cayman Islands have to come to grips with the serious and detrimental financial position that faces it. There has to be a cutting and a reduction in the expenditure and there cannot be the continued heavy spending which we have seen over the last three years. We have seen the recurrent and the capital expenditure spiral upwards to a stage where everyone in this country is worried about the countries financial position.

When this Government took over in 1988 we saw the debt of the country move from \$25 million at a time when the Reserves and Surplus stood at \$19.8 million or approximately \$5.5 million difference between debt and cash. It was a good position, I must say that. Now the situation is the Reserves are estimated to be reduced to \$7.5 million and there is \$43 million of estimated debt. That is without the proposed hospital which probably will push this up to \$60 million and without the payment of Cayman Airways debts which in due course will push the payment of guarantees even further.

Having said that as an introduction I believe that it is important that the policy of not expanding the Civil Service be followed because this Government has stated as a policy that they are not going to expand the Civil Service yet we find that new staff are put down on the capital side of the Budget, new staff are increased, departments are created and there is a continuous expansion in the Service.

However, one has to be reasonable and fair also to civil servants but I do believe that there has to be a hard look at ensuring that within the Service it is held within reasonable limits as to size and that we do not have an expansion of I think it was close to 40 or 50 per cent as has happened over the last few years. This cannot be good for the Service, it obviously is not good for the country. The aim as I see it has to be for a reasonably sized efficient Civil Service which is well paid and that, I believe will be in the interest of the country.

The Management Services Unit is one which I believe has to begin producing more and more reviews of the different areas of the Civil Service with a view to seeing that wherever possible there can be a stop in the continuing expansion of the several Departments. Hand-in-hand with this I believe that Government has to look at wherever possible leaving private enterprise to carry out projects and to deal with matters which can properly be put in the private sector.

The protection of the public is very important when franchises are given out, a monopoly is created. While I would like to see the privatisation of several areas of Government I know that it may take some time and we have to ensure that the public is properly protected against excessive charges and fees and that there is no abuse of the monopoly.

To that intent I think the time has come to have the equivalent of what in other countries is a Monopoly Board, or in this instance could be called a Franchise Company Board, but one which will monitor and will advise Government on the important areas of operation of franchised companies and one which will be able to serve as a board to which complaints can be taken by the public. At present the public is many times left defenseless and without anyone to turn to in relation to disputes with the franchised companies. I realise, however, that whatever is done has to be reasonable and it has to be compatible with the type of franchised service that is being carried out.

I believe that the Training Unit if it is properly and fully used can be one of the best assets within the Service because we must find as a result of increased training that we have more efficient civil servants who therefore will produce more for Government and we will have a better situation

from the financial as well as the working conditions point of view. However, Government can only provide the opportunity and it is up to civil servants themselves to take that opportunity and to move forward and to take advantage of what is available in the area of training.

I would like to move on to deal with one other area that has been raised in the Throne Speech. The Governor has stated that there would be no doubt that the constitution of this country would go back to the public, would be dealt with in a General Election but most importantly, it would be the subject of consultation with the new candidates of the Legislative Assembly. He dealt with this when he said, and I quote:

"It may be helpful to recapitulate briefly the position on Constitutional change for there appears still to be some misunderstanding, at least in some quarters. The Secretary of State received the recommendations of this House through me at the end of October. It is my understanding that you may expect a substantive reply fairly soon. The only step which needed to be taken before the election was to create the three additional proposed seats in this Assembly. The necessary amendment to the constitution was made by Her Majesty in Council on the 11th of February. An amendment would be required to the Elections Law."

This is the important part that I am now quoting.

"All other proposals for change will await the mandate of the new Assembly after the November election this year. Let that be absolutely clear. Let no one be misled by suggestions that somehow changes will be slipped in for some obscure purpose or benefit meanwhile. Let the community and all candidates for election be fully aware that it is in the hands of the electorate to ask candidates to explain what they stand for in regard to possible changes in the Constitution. Upon the candidates lies the customary responsibility to explain their intentions to the electorate. Honourable Members, I pray that it will be a cleanly fought and peaceful election."

Madam Speaker, this controversial but most important subject, had one of the most crucial aspects of it repeated (I would not say answered) by the Governor, when he stated in his Throne Speech that the constitution is one that is going to be put back to the people of this country and which is going to be an election issue. Afterwards the people of this country will have their newly elected Members consulted before any change or any new constitution is brought in.

The single most important thing in a democracy is to ensure that the proper process has been gone through when it comes to what the people are entitled to know. The most important thing in this document here and what I referred to earlier is the fact that the people of this country will have a say on what constitution they get.

That right was being taken away from them and let there be no doubt in the minds of the people. That right to have the newly Elected Members consulted to have it made an issue in an election is being taken away from the people of this country by the Majority Report that was signed by the Elected Members of Government, and among others the two Elected Members for Cayman Brac. This is what the Report said at page 20, number 34 and it is under Dates of Coming Into Force and this repeats what the Constitutional Commissioners said:

"It is recommended that the following procedure for the implementation of the recommended constitutional changes shall be that:

- (i) the section on the increase in the number of Elected Members of the Legislative Assembly be brought into force in early 1992;
- (ii) the necessary consequential amendments to the Elections Law be made prior to the preparations for the next General Election to be held in November 1992; and
- (iii) the remainder of the new Constitution be brought into force immediately after the General Election.

This is very clear. I will substantiate from the Minutes of what the Government Members and others said and that what was intended to be done was objected to by a majority of us Backbenchers and what we put in a minority report was that the constitution would be put in place. It would come into effect immediately after the next Election without there being any consultation or anything else by the newly elected Members. I am going to go on to show that there was no doubt in the minds of the Elected Members of Government and some others, that they knew precisely what they were doing what the minority (of which I was one of the signatories) of the Backbenchers put in and I would like to read it. At page 24:

"We [meaning the Backbenchers who were not in the majority report] disagree with the Committee and the Commissioners' recommendations. All representations to the Committee which expressed views on whether an election should be held on the changes to determine the views of the public were strongly for an election or referendum and against the Commissioners and Select Committee's recommendations.

We believe that any major constitutional change should only be brought about after it has been

made an issue in and decided upon in a General Election by the people of the Cayman Islands and the Legislative assembly has passed a resolution bringing the new Constitution into effect."

This is what the minority is saying. You must go back to the people, you must fight an election on it, after that is done the Foreign and Commonwealth Office through the Governor must consult the public representatives who would be the newly elected Members.

It does not lie in the hands of this House to produce a constitution, get it put in place and have it come in immediately after the next election without there being any consultation of the newly elected Members and without there being the right of the people of this country to have a say on it.

This point is more important to me and I think to this country (that this proper process is followed) than what the Constitution is, regardless of what we get afterwards, provided it is the wish of the people. That I am prepared to accept. Regardless of what comes out, and provided it has run the proper process, we, the minority or dissenting Backbenchers, stated further in our report:

"Our dissenting view is based upon the following:-

1. The Legislative Assembly passed resolution 25/90 in the November 1990 Session which stated inter-alia:-

"AND BE IT FURTHER RESOLVED THAT this Honourable House recommends that the implementation of any recommendations for constitutional changes with the exception of the paragraph numbered 3 above (which was mainly the increase in Legislative Assembly seats - our comment) shall not take place without the changes being the subject of a General Election."

2. Further the Governor in statements made on 25th July, 1990, in the Legislative Assembly and published on the radio stated: "If there is a constitution commission and a report and if, as a result of that report United Kingdom Government believed that there were some changes necessary, I am ABSOLUTELY CERTAIN that these changes would not be proposed by the United Kingdom Government or implemented without them being the subject of a campaign and a General Election. I hope I have made this clear, I think it does need to be made clear, this is not an anxiety which anyone should feel."

3. The unanimously passed resolution 25/90 provided:-

"AND WHEREAS a Constitutional review was not a campaign issue in the last General Election, nor was it publicly debated during the last General Election by an candidate or any present Elected Member."."

What I have read there is what every Member of this House unanimously agreed to the passing of. So there was no doubt in the minds of Legislative Members that the Constitution was not an issue in the last Election and therefore, the Members of the House do not have the mandate to produce a constitution and to have it come into effect immediately after the next Election for the new Government to work under it regardless of whether or not the people, through its newly elected representatives, wish to have it.

That is perhaps why the Press does not understand what the Second Elected Member for Cayman Brac and Little Cayman was referring to because it has not been made clear to the public that the majority of the Select Committee was made up of four Elected Members - the First Elected Member for George Town as Chairman, and there are no comments in relation to his position in the Minutes, at least the three other Elected Members and both the Elected Members for Cayman Brac were involved in recommending the constitution come into effect without it being made the subject of a General Election.

I want to refer now to areas of the Minutes that will begin to bear out some of what I have been saying. Before I actually get into the merits of this I want to show that the anxiety on the part of some of those who recommended that the Constitution come into effect immediately after the next Election came about because of their hope, their aspirations, their anxiety to be Chief among everyone else and to take the coveted position of the Chief Minister of this country. In so doing, I submit, that they lost sight of what was fair and realistic and reasonable to have in regard to the wishes of the people of the Cayman Islands.

I will now begin to turn to the Minutes in relation to the coming into operation (as far back as the 19th of June 1991, at page 2. The Minutes read, it repeats a motion that I just read and the last part of it was:

"AND BE IT FURTHER RESOLVED THAT this Honourable House recommends that the implementation of any recommendations for Constitutional changes, with the exception of the paragraph number (3) above, shall not take place without the changes being the subject of a General Election."

Mr. Truman Bodden recommended that the last Resolve be pointed out to the Secretary of State, noting that the Resolve was put in so that there could be no major changes unless they were made

an issue at a General Election - and that the implementation of changes would be made thereafter."

So I began pointing that out in the Committee from back some eight or nine months ago.

1991, at page 2.

The next reference I would like to make is to the 11th of July

"Mr. McLean [meaning Mr. Gilbert McLean] also noted the Commissioners' recommendation regarding the date(s) of the coming into force of any amended Constitution, on page 20 of their Report which states:

**"Dates (s) of Coming Into Force**

1. Though not perhaps required to do so by our terms of reference, we believe it to be relevant to our review to complete our considerations by given some thought to the date (or dates) any amended Constitution might be brought into force.

2. Assuming that it may take several months to exhaust local debate on our report - and several more months to complete the drafting of amendments - we would recommend that the section on the increase in the number of Elected Members of the Legislative Assembly should be brought into force (assuming an increase is finally agreed) by, say, April or May 1992. This would allow time for the necessary consequential amendment to the Elections Law to be made prior to the preparations for the next General Election, due in November 1992. The remainder of the amended Constitution would then be brought into force immediately after the election."

This is what the Constitutional Commissioner said and Mr. McLean repeated. I go on to read: "Mr. Truman Bodden noted that this was contrary to his understanding of the debate in the House, and was not in accordance with the resolve of Motion 25/90."

I want to show that throughout I consistently pointed out that what was being done was not in accordance with what had been agreed in a resolution and was not in accordance with what I understood to be the proper principles of dealing with the Constitution.

**MADAM SPEAKER:**

Would this be a time for suspension?

**MR. TRUMAN M. BODDEN:**

Yes, Ma'am.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 3:42 THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:03 P.M.**

**MADAM SPEAKER:**

continuing with the debate.

Please be seated. Third Elected Member for George Town

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. The other reference I would like to make is to the 18th of July, 1991, at page 5. Once again this is the Select Committee on the Constitution in which it sets out that the Majority Report where they have agreed, that is, the Elected Members of Government and the two Members from Cayman Brac and Little Cayman, among others, that the Constitution be brought into force immediately after the General Election. I said this here:

"Mr. Truman Bodden in recording his vote against the recommendation sought that pages 18 through 24 of the *Hansard* of 15th November, 1990, be appended to the these minutes as, in his opinion, remarks by the Chairman and reference to remarks made by the Presiding Officer (the Governor) implied that any recommendations for Constitutional change would be "tested" at the polls."

These are annexed so that it can be seen clearly what was stated there. I do not intend to read those and also on the 5th of August, 1991, at page 15 we have Mr. Gilbert McLean:

"It has been stated, Mr. McLean noted, that from hereon the country needs a ministerial form of Government. Mr. Lenox-Boyd at a meeting with Backbench Members in December 1990, stated that the United Kingdom is in support of the efforts of H.E. Governor Alan J. Scott, CVO, CBE, to bring the Cayman Islands Constitution in line with other territories. Mr. Lenox-Boyd also stated that the UK Government has every intention of seeing the Cayman Islands adopt a modern constitution. Mr. McLean noted that it has also been stated what the people read in the Commissioners' Report is what the United Kingdom intends to give the country. He expressed the view that the United Kingdom is being very courteous in giving the people of the country the opportunity of discussing the review,"

The further reference is at page 16 of the same time:

"Mr. Truman Bodden suggested that the United Kingdom would not give the country something that a majority did not want. He pointed out the comments made by the Presiding Officer of the Legislative Assembly (H.E. the Governor Alan J. Scott) last year, that "...changes would not be proposed by the United Kingdom Government or implemented without them being the subject of a campaign and a General Election."

Hon. Benson Ebanks noted that the Commissioners had a responsibility to evaluate the views of the majority. They have done that and have recommended what they feel is the answer to the grumblings that they heard, he said."

I want to point out here that I am going to go on to show that the view was that because the Commissioners had come here and the anxiety of some of those Members to become Chief Minister that they were trying to read into this that the United Kingdom was going to give a constitution to us without going back to the people.

Further, at page 25, this is a quotation of Mr. Gilbert McLean said: "Candidates at the 1992 General Election will campaign for or against the changes and will be chosen by the public, as it thinks fit, to work under the new Constitution.". So there was no doubt that these views were that the Constitution (and I have a few other references to make) was going to be brought in and immediately after the next Election that it would be in place and the new Members would work under it. No say in it! It would be in place immediately after and it will be the Constitution of the country.

One of my two or three last references is to the 17th of September, 1991, and it is on page one. This is the Honourable Benson Ebanks:

"The new or amended Constitution would emanate from this and the Commissioners' Reports. Any recommendations affecting an increase in membership or qualifications for candidates or voters would come into effect some time early next year, in time for the Elections Law to be amended, with the other changes such as the Chief Minister and other Ministers coming into effect immediately after the next elections.

He was satisfied that the appointment of the Commissioners resulted in a review by an independent body capable of interpreting the views of the people and avoided any clouding of the issues at hand. He was of the view that the Commissioners were required to ascertain and assess the views of the people, and in so doing they may have played devils' advocates by throwing out certain ideas to the people as they conducted their queries."

To put it beyond doubt that the majority report of the Constitutional Committee as I say was not signed by most of us Backbenchers. At page 2 of the same Minutes the 17th September, 1991: "Mr. Ezzard Miller was of the view that following the next General Election the new House would automatically be constituted under the revised Constitution.". There is no doubt, even though there were places and there were times when there was talk of what may be done if the people did not want the Constitution they got, the coming into effect of that was very clear that it was not going back to the people. I want to point out one other thing at page 3 of those Minutes:

"Mr. Gordon Baker (of the Foreign and Commonwealth Office) emphasised that the United Kingdom's Government was not in any way trying to impose any Constitutional advancement on the Cayman Islands, but based upon the Islands' request for a review of the Constitution the Commissioners were appointed and sent to do same."

We know that the seven of us Backbenchers, including the Second Elected Member for Cayman Brac voted against that request. So there is no doubt that throughout, even though the public may have been told or it may have been said in this House, that we were going to get a Constitution imposed, that was made clear in the letter.

I would now like to point out one other aspect. Mention was made in relation to why there was no debate in the House, and subject to find the reference which I will do at a later stage. It was a majority view of the Committee that when it came back to the open House, that it was not necessary to put a negative motion to have it debated. I will find that and come back to it. It was not as if the minority of the Backbenchers, the five of us who did the Minority Report, did not wish to debate it.

Out of this has unfortunately now come what the Second Elected Member for Cayman Brac has now chosen to expose publicly, and that is his leaving us, the other six Backbenchers. While I would hope to see the Minutes on precisely what was said there, I want to point out that differences of opinion arose and what has been very obvious since the meeting four months ago, the 15th of October, in which all the Backbenchers spent three or four hours at a time trying to deal with the differences, is basically that the Second Elected Member for Cayman Brac differed with our opinion, he could not get his way, and he walked out.

The situation has remained the same. It would have perhaps been better for a lot of the details of this to have been sorted out between ourselves, but we did ask that he return on that occasion and it was not the first occasion where that Member did not have his way and he walked out of

meetings. Consistently, I and others have said, this is no way for a group that is expecting or intending to put themselves forward to run a Government that when we have differences of opinion we cannot sit down like men and sort out the problems.

What has to be brought out, and I would like to see at a later stage what was said and perhaps deal with a bit of detail there, is that in the last four months since this problem arose, there are the six of us Backbenchers and the Second Elected Member for Cayman Brac, who walked out of the meeting, as I say, walked out of other meetings before this when he did not get his way, is still out there. Quite frankly while we have to, I guess defend our position here as best we can, I think that this is a matter which was internal and which perhaps could have best been left internal and dealt with.

I would mention here, I wrote a letter a very long time ago and I said that the position of Chief Minister was going to create more internal infighting among groups and more problems within the Island than probably any other single thing. Unfortunately, that is exactly what one of the issues was, the desire not just to be named as Chairman of a meeting, but I guess as designate Chief Minister, that was one of the issues involved.

In fact, the report by the majority had not even yet gone in to the Legislative Assembly, I mean it was so pre-mature. Anyhow, the position as I said, should be obvious to the public. The six of the Backbenchers remain and we will be looking forward to putting up sufficient candidates in the next Election to look forward to making a Government and bringing the country back on a stable economic footing.

I notice that not only did the Member for Health cheer on the Second Elected Member for Cayman Brac and shook his hand but he appears to be somewhat dissatisfied with what I have said. Anyhow that is the position and as I said, I would like to look at exactly what was said and if it has to go out in the public, as it has, then so be it. We did not bring it out, none of the six of us and we will defend our position which is very clear.

I have to really look very closely and now deal with not only the main topic that I have just been dealing with, which is the time of coming into force, but I will also deal with our views which are very clearly set out in the Minority Report. Nothing is hidden on the position of Chief Minister and I do not intend to go much beyond that because I think a debate on the Constitution itself, is something that could be very long and very detailed.

Going back to my main topic I would like to stress the fact that where throughout in the Minutes we have had my consistent cautioning, especially of the Elected Government, that they were not proceeding in the right direction to get a constitution that was acceptable and workable to the people. This was brushed under the carpet by them and I will show in some other references where when the Foreign and Commonwealth Office actually wrote to us and said that the Constitution would have to be the subject of consultation with the new Members, it is recorded in there that they tried to say it was vague but I submit it was no more vague than the Press not understanding fully and asking the Second Elected Member for Cayman Brac exactly what he meant.

There is no doubt what I am standing here saying what I have said throughout and what we have produced in our Minority Report. It cannot be now said that the views of the majority of Elected Members, the Government, and their other supporting Members, is the same as what the Foreign and Commonwealth Office has now directed.

I believe that if ever there was a very clear endorsement of what must be a very unique position of having the major part of our Minority Report confirmed by the Foreign and Commonwealth Office, even though it differed with their Constitutional Commissioner's views, and even though it differed with a majority of Elected Members of this House, it was the letter of the Foreign and Commonwealth Office and the subsequent confirmation by the Governor that instead of the Constitution coming into effect immediately after the next Election that it would go to the newly Elected Members who would have some input into dealing and having their say in relation to what constitution the country got.

The part that I have just referred to I think is important and this was found right at the end of our meetings on the Constitution and the letter which Governor Scott wrote and the Second Elected Member for Cayman Brac read it so I will not read that, but I would like to refer to that one section and it said:

"If in his view [the Secretary of State's view] a significant portion of the recommendation should not be implemented until after General Election then he will have to consider after the General Election how to proceed taking into account of the opinion of the newly elected members."

This is the Minute that is recorded immediately after that.

"The Committee noted that, in regard to the procedure set out in (b), (which stated that the Assembly debates the Select Committee's Report by way of motion) it would not be necessary to move a motion to **reject** the Committee's recommendations, as the Report would contain recommendations for constitutional changes by a majority."

There was never any intention on the majority of the Members coming back here and debating this thing in public so do not try to say that the duty was on the five Backbenchers who did the Minority Report. Then they went on to say: "The Committee notes that the FCO's procedures are still rather vague in regard to the timing of the implementation of the constitutional changes." So even though the letter of the 4th of October, 1991, from the Governor made it abundantly clear that the FCO said that they must take due account of the newly Elected Members, the Government and the two Members from Cayman Brac were so

staunchly on the course to bring in the Constitution that they tried to say that the letter was vague. I pointed out to them as I showed throughout in these Minutes that you cannot take and just sit down as 12 Members with no mandate and produce a constitution for the Islands without going back to the people.

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

**MADAM SPEAKER:**

It is now 4:30.

**MR. TRUMAN M. BODDEN:**

Thank you, Ma'am.

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

House until 10 o'clock tomorrow morning.

Madam Speaker, I move the adjournment of this Honourable

**QUESTION PUT:**

**AGREED.**

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL THURSDAY,  
27TH FEBRUARY, 1992.**



**THURSDAY  
27TH FEBRUARY, 1992  
10:10 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, 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 in the Legislative Assembly are resumed. Presentation of Papers and Reports, the Third Official Member.

### **PRESENTATION OF PAPERS AND REPORTS**

#### **THE ROYAL CAYMAN ISLANDS POLICE ANNUAL REPORT 1991**

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to lay on the Table of this Honourable House the Royal Cayman Islands Police Annual Report For The Year 1991.

**MADAM SPEAKER:** So Ordered.  
Questions to Honourable Members. Question No. 49, the Elected Member for East End.

### **QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 49:** Would the Honourable Member state what steps were taken to discontinue the lease agreement on the 737-400 aircraft which was received early in 1992?

**ANSWER:** Cayman Airways Limited considered that it was not in the best interest of the Company to discontinue the lease agreement for the new Boeing 737-400 from ILFC. Instead, various attempts were made to place the aircraft with a potential sub-lessee prior to its arrival. These attempts, however, have to date proven unsuccessful.

#### **SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say what are the main factors that caused the airline to decide against keeping this aircraft?

**HON. W. NORMAN BODDEN:** Madam Speaker, the lease for this aircraft was signed in September, 1990 when the market conditions were much more favourable than they were in 1991 or to date in 1992. Developments since the signing of the lease have proven that the 737-400 aircraft requires very high load factors in order to operate at a profit or even at break-even. With the experience the company had behind them

with the two aircraft they got from Guinness Peat Aviation they decided to make attempts to try to lease out this aircraft to another airline.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us how much money was deposited against this aircraft up to the time of delivery?

**HON. W. NORMAN BODDEN:** Madam Speaker, that amount is US\$500,000.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Would the Honourable Member say whether under the lease agreement Cayman Airways would be obligated to do the D-checks, the major checks, on these aircraft or not?

**HON. W. NORMAN BODDEN:** There is an obligation for the lessee to pay in monthly reserve maintenance funds and those funds are to be earmarked and used for the performance of D-checks at the time that they are needed.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say if Cayman Airways Limited is satisfied that this is the right avenue we have taken or is it their intention to continue to negotiate the leases and perhaps to later on revert to the original two aircraft?

**HON. W. NORMAN BODDEN:** The company is continuing its efforts to lease out the 737-400 from ILFC and the ultimate goal for the airline, the ideal position would be for them to have three 200-type aircraft and one 300. This is what the company is working towards.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member is saying that it would be as economical to operate the aeroplanes which he has just mentioned as it was to operate the two 400s?

**HON. W. NORMAN BODDEN:** Madam Speaker, the lower lease cost on the 200 and 300 plus the lower operating cost makes this type of operation much more attractive to the airline than the two 400s which they previously had.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. If this change takes place, which has just been mentioned, is it anticipated that we will also be cutting staff?

**HON. W. NORMAN BODDEN:** No, Madam Speaker, not to my knowledge.

**MADAM SPEAKER:** The next question is No. 50, 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 TOURISM, AVIATION AND TRADE**

**NO. 50:** Would the Honourable Member state the cost to Cayman Airways Limited to put the new 737-400 aircraft into operation?

**ANSWER:** The cost of putting the new Boeing 737-400 into service was approximately US\$31,000.00.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say how does this compare to the cost of putting the other 737-400s into operation?

**HON. W. NORMAN BODDEN:** Madam Speaker, I do not have the cost of the other 400s with me but I would say that this \$31,000 is substantially lower than what the others cost because I believe they had audio-visual equipment and other things which the company added to the first 400s they had.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member would be in a position to tell us exactly what the US\$31,000 covers?

**HON. W. NORMAN BODDEN:** The additional cost on this 400 involved miscellaneous cabin and other minor interior changes and adjustments, I think to do with seating arrangements and things of that nature, and probably some changes in the galley as well.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say what amount of money was expended, if any, for the training of crew either for this aircraft or for the other two?

**HON. W. NORMAN BODDEN:** I do not know that there was any additional training required for the crew of this aircraft. I am sure that the only training would be the normal and routine simulator training. I do not think that any other additional training was required.

**MADAM SPEAKER:** The next question is No. 51, 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 TOURISM, AVIATION AND TRADE**

**NO. 51:** Would the Honourable Member state what is the comparison of the lease payment on the new 737-400 and the original lease of the other two 737-400 aircraft?

**ANSWER:** The lease agreement between ILFC and Cayman Airways Limited for the new Boeing 737-400 is governed by a confidentiality clause and therefore the public release of this information will not be possible.

Nevertheless, the information is being provided under confidential cover to Honourable Members of this House for their information only.

**SUPPLEMENTARY:**

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say if the cost is more or less than the cost of one of the other aircraft?

**HON. W. NORMAN BODDEN:** Madam Speaker, the letter that I referred to is quite explicit and sets it out exactly so that the Member asking the supplementary will shortly have that information which will be handed out by the Serjeant-at-Arms.

**MADAM SPEAKER:** That concludes Question Time for this morning. Other Business, Private Member's Motion No. 1/92, the First Elected Member for West Bay continuing the debate.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS**

**PRIVATE MEMBER'S MOTION NO. 1/92**

**EMPLOYMENT OF EFFECTIVE GOVERNMENTAL AND JUDICIAL CONTROL OF DRUG USE AND REHABILITATION OF OFFENDERS IN THE CAYMAN ISLANDS**

**MR. W. McKEEVA BUSH:** Madam Speaker, last week Thursday I was dealing with this resolution before the House which deals with a number of problems affecting the usage of drugs and tries to address sufficient aspects of the serious uprising of drug use in this country.

The House knows that we are asking Government to take immediate steps to empower the Courts to order drug users to a proper drug rehabilitation institution rather than a term at Northward Prison; that we consider making immediate provision for the building of a drug rehabilitation and in-patient facility; that we have an in-depth look at the practice of convicting under the urine test to see whether this has been effective in the fight against drug use in this country; and that Government take immediate steps to re-institute the Drug Advisory Council and to formulate it into a statutory body for effective functioning.

Madam Speaker, when I was debating last week, I was lamenting the problems that we have and the fact that there seems to be no commitment on the part of

Government to address the matter of in-patient facility care in these Islands. I also mentioned the number of cases that we had through the Courts and the number of people, which I shall say is 675 cases, that have gone through the Courts for consumption last year in comparison to some 83 users who went to the Cayman Counselling Centre.

At the Northward Prison we find that there is not enough drug education or counselling at Northward. When we look at the statistics since 1987 until 1991, we find that more than 50 per cent of inmates are repeat offenders for either cocaine or ganja, marijuana. We know that there is a prison population, which is most times filled to overcrowding, in the 200 range.

I want to turn to the matter of the defunct Drug Advisory Council. Apart from its re-organisation and restructuring for effective functioning, I believe that we have to go beyond the National Drug Advisory Council. By that I mean when we are successful in November, and I am in charge of that Portfolio, I am going to expand the Drug Advisory Council so that it has a counterpart in each district, a district advisory council, which will liaise with the National Drug Advisory Council.

The responsibilities of the district advisory council will be to provide an input into existing planning and monitor the extent of drug abuse within their respective districts. It would have the responsibility to assess the overall effectiveness of the existing services in meeting needs and it would make and assess proposals for improvement to these services. This district advisory council will especially have strong emphasis on the field of prevention at district levels.

There is widespread recognition that there is no single cause of drug abuse. Therefore, when developing a comprehensive prevention policy, the individual, the social groups, structural determinants and the supply of drugs must all be taken into account. In this regard, I think it is necessary to recognise the relevance of social policies which are directed towards the general well-being of the community. Meaning, for instance, our sports policy and other such policies and legal matters which have punitive effect, such as the Misuse of Drugs Law and its effect, good or bad, on the community.

It has long been recognised by me that social problems cannot be tackled in isolation because action taken on one problem could relieve or exacerbate another. In addition to trying to restrict the availability or supply of drugs, there must be a comprehensive prevention policy which includes educational measures which seek to discourage misuse. Whatever category we put education in, whether it is education of the community, education of specific groups, or the training of professionals, there must always be considerable interaction between them.

Madam Speaker, a paramount aspect of early intervention is the need for local communities to be able to react quickly to, or if possible, and I believe it can be done, anticipate local drug problems. This not only depends on people being trained but also on the framework for co-ordinating local services with local community associations and bodies such as the Parent Teachers Association and the sharing of information and experience. This I believe would provide the basis for the effective monitoring of local drug problems and for mounting integrated and well-informed responses.

I guess you are going to hear from the Member responsible that drug prevention is being taken care of. You are going to hear a lot of other things from them. I have been the advocate for decentralisation of social services and those services which attack drug abuse. The Hansards will bear me out. From my very first speech in this Legislature I saw the need to attack our problems at the root core. I believe that education of the community at the district level has the greatest possibility of the greatest impact and the prevention of drug abuse should be part of a wider objective of achieving a healthier community.

According to the Member some time ago no one wanted a structured network in the districts. That was when he was opposing my plans for community development and the community centres that he went off and got overseas consultants at thousands of dollars to tell them the same thing that I stood here in this same spot and told him.

I believe that the role of our voluntary sector, by that I mean all those hard working persons who work for free, will have to be examined as against those who would be employed by Government. We are going to have to create community social workers, some full time and some part time. Those part time, I believe, will be those same overtaxed individuals today who are doing a myriad of voluntary work. Some would have the responsibility of counselling individuals to mobilise local resources of people and dollars. This involves developing prevention by creating community networks to improve life by friendship and concern to living in any given neighbourhood. Much greater effort is required to contact and support the relatives of drug abusers.

We often cry down the family unit in this country. We lament that because of our developing society, parents are no longer playing the God-given role of parenthood. We constantly talk about who is not carrying out the parental responsibility, while we do not understand that the greediness of our community, or our society, of our country, is what is contributing to our problem. You find both parents today holding two jobs. That is bad enough, but when you have a one parent family. . . and I believe that you sit on the Bench of the Juvenile Court quite often, and you realise the problems faced by one parent families. I can only say that lip-service is being paid to the support that has been given from the Governmental side. There is much lip-service paid to consultation but less real partnership from the initial planning stage of any service or capital development. The Social Services Department under my policy will in future plan jointly with community groups to provide a caring fabric in each neighbourhood.

I will say today what I have been saying for years: Until we get down in the districts where the root core of the problem exists, our drug problem will continue to grow and under a Government which does not care about rehabilitative in-patient facilities, this country is going to reap havoc. It is at the district level that we must strongly emphasise education and prevention. While the programme is a fair programme in the school and Cayman Against Substance Abuse (CASA) is doing a bit with their programmes, the wider community suffers from the lack of proper education and prevention programmes because there is no policy

at the Governmental end to push these things.

Under our policy, a policy under a new Government, this is the area where our strong efforts will be concentrated. This is needed now in our districts. With God's help, I will see that this is established to assist in the effective abolition of our massive drug problem.

At a time when drug usage is at an all time high, when there is no drug counsellor, when there is no drug in-patient facility, when there are no halfway houses and only six people are going overseas for treatment to the programme chosen by the Member for Health and by the same people, the consultancy, who said we do not need it, send them to us, it seems to me that now should be the time that the body which is responsible by law to advise the Member, the Drug Advisory Council, should be meeting.

By law it says:

"2A.(3) It shall be the duty of the Advisory Council to keep under review the situation in the Islands with respect to controlled drugs and other substances which are being or appear to them likely to be misused and of which the misuse is having or appears to them, capable of having harmful effects sufficient to constitute a social problem;"

The Drug Advisory Council is responsible to give to the Member "advice on measures which in the opinion of the Advisory Council ought to be taken for preventing the misuse of such drugs and other substances or dealing with social problems connected with their misuse, and in particular on measures which in the opinion of the Advisory Council, ought to be taken for -

(a) restricting the availability of such drugs and other substances or supervising the arrangements for their supply;

(b) enabling person affected or likely to be affected by the misuse of such drugs and other substances to obtain proper advice, and for securing the provision of proper facilities and services for the treatment, rehabilitation and after-care for such persons;".....

and it goes on to talk about..."(c)promoting co-operation between various persons, clubs, societies, associations or other bodies, or any department, branch, agency or organ of Government which in the opinion of the Advisory Council have a part to play in dealing with social problems connected with the misuse of such drugs and other substances;

(d) educating the public or a section of the public in the dangers of misusing such drugs and other substances, and for giving publicity to those dangers; and

(e) promoting research into, or otherwise obtaining information about, any matter which in the opinion of the Advisory Council, is of relevance for the purpose of preventing the misuse of such drugs and other substances or dealing with any social problem connected with their misuse."

Member advice.

So, the Drug Advisory Council is responsible to give the

On Wednesday, last week, there were some very lame excuses by the Member in an answer to a question here as to why the Drug Advisory Council has not met in over a year. When asked why the Council had not met in a year, he said that he, as Member, has no authority to order the Council to meet. That Member should really resign his seat. It is ludicrous because he does have power to call any of his bodies mandated by law to give him advice.

It is a mockery of our judicial institutions and a mockery of our democratic process to have an Elected Member on Executive Council who has responsibility for such a serious thing as a Drug Advisory Council, the only one in the country, come to this House and tell us that they have not met in a year and that he has no authority to call them. Do you know what I have to say? That is not the first time that that Member has gotten up and twisted the truth. That is a good word that I am using. That is parliamentary language.

When you read sub-section 4 of section 2A. of the Misuse of Drugs (Amendment) Law, 1988, the Law which the Advisory Council was established under, it says: "2A.(4) It shall also be the duty of the Advisory Council to consider any matter relating to drug dependence or the misuse of drugs or other substances which may be..." and this is very specific, Madam Speaker... "referred to them by the Member and to advise him thereon." This tells me if I was the Member and my drug council had not met and if I was under the illusion that I could not call them I would have certainly looked this up and said, "Well, you know, if I can refer matters to them, I can certainly call them to a meeting." How else would you refer a matter to them? Who are you going to write to if they are not in action? Who are you going to call?

It is not that, he has every power. He is the same Member who has power to write his civil servants, as he did in the Health Authority, and tell them not to talk to the Backbenchers, and not to talk to the press. Now if you have that kind of power, you have the power to call the Drug Advisory Council and say, "Listen, you have not met and I want to know why you are meeting because my information is that drug abuse is on the increase and I want you to tell me (a), (b), (c), (d), (e)."

Why can he not order his Council to meet? Is it because he has no intention to take their advice? Is that the reason why the Member would not call them? Not that I agree with all

the advice that they have given in their report. However, when we examine the recommendations made by the Council, some of them have a lot of merit. They highlight the need for a Juvenile Correctional Centre with mandatory education and counselling for convicted juvenile offenders. What has the Member done about it? Hire a consultant, take him to the United States, put him all over the stars and stripes forever, and pay \$100,000 per child for three to six months. They do not care. They are not trying to deal effectively with the matters.

They are only doing enough to say that they are doing something. You see a lot of flurry going on this election year, and you can hear a lot of excuses, and you can see a lot of supposed programmes, such as the ones he spoke about three years ago that he was going to institute. He comes to tell you today that PAHO did not do it. It is not PAHO! If there is a PA and there is an HO, it is Ezzard Miller!

The Drug Advisory Council recommends an adequate place of safety for juveniles, other than the West Bay Police Station where adults are kept a few feet away and within talking range. That is the situation at the West Bay Station. What has he done about it? Do you know why he cannot get anything done with our drug problem? It is because he is too taken up with one thing - the building of a large hospital. While that might have some merit for the future, our drug problem is destroying our social fabric today. The Drug Advisory Council recommended the halfway house for Cayman as they thought that the capital and recurrent expenditure was too expensive for the few people whom they recognised as being in need of residential care. Of course what has he done about the halfway house?

He came here with much pomp and circumstance in 1989, blowing his horn like a Big Mac truck talking about these halfway houses? What has he done? What is there as this facility? He was going to build one in Bodden Town and they were going to get one in West Bay. Why did they not do it? You know what he is going to get up and say, "The Backbenchers stopped me!" Of course, that is their tactic every time they fail. The Backbenchers stop them. They have done everything that they wanted to do. If they wanted to do something to address the social problems, to address the drug problems, they would do something about a halfway house. No Backbencher stopped them from doing anything. But let us hear what his argument is going to be.

Madam Speaker, the halfway house is one aspect of rehabilitation. I strongly support the halfway house strategy which could, in Cayman, serve several types of clients as happens in other territories. These could be those who need more and fuller support than counselling but not necessarily residential treatment and those coming out of residential treatment and are not yet ready to return to their home environment. This is the only way of having the effective machinery of combatting drug abuse and of bringing back those caught in the wave of drugs into the mainstream of life.

I move on to the matter of the urine test. I believe that the manner in which that aspect of intervention is used is something that should be looked at to try to find out whether in fact it helps, or whether in our circumstances it is only packing Northward and just increasing the coffers of Government because of the high Court fees and the large numbers of repeaters.

Some time ago I raised this matter here in this House and the situation has grown to worse proportions. What is happening, as has been reported to me over the years, is that the procedure is being abused. This is a fact, it is being abused. Sometimes the Police catch someone and they give them a test or they suspect them and they take them for urine testing and before they can go to Court, the Police go at the same person again.

I have known cases where they go to a young person's home and take them out of bed to do a urine test. They go to a work site and take them off the job to do a test. Those kinds of actions, I feel, are an abuse of the procedure because if some of our addicts are lucky enough to land a job on their way out of prison, I think they should be encouraged. When I say they should be encouraged, why go to their jobs and harass them and have the whole thing leave a bad taste in one's mouth?

When we look at some of the fines that were given out for urine testing, I have known cases that have been reported to me for up to \$1,800. I must question other than the person getting a record and the chance of him being sent to Northward Prison, what benefit has the procedure shown? I believe this is a genuine request for us to make to the Government because Government does not care. What the Government thought they were doing, they said, in fact, that it was a solution to the problem. This was their answer to it. What they did say one time and I heard it coming across from Executive Council was that before they had the urine test you would hear in Court that the lawyer's defence was that the Police put the marijuana in the individual's pocket. What you heard coming across from Executive Council was, "Let us see if they can say the Police put it in their urine." They left it at that. They think that is the cure-all.

I feel that in the light of past and present experience where there have only been a lot of people highlighted, one thing I agree with and the only salutary effect that I believe it had was that it highlighted the problem of drug abuse in the country. So, in light of past and present experience, this matter should be examined. Madam Speaker, the motion calls on the Government to do several things. These serious needs must be addressed and I trust the Government will do what is necessary.

I give the country the assurance that if these matters are not addressed, I, when we are elected in November to form the Government as a majority, will see that these matters are tackled and something be done about them because the future of this country is being ruined by drug abuse and outside of the Counselling Centre, which Mr. Jones has told me is basically doing family counselling and other services but not a real serious programme of drug counselling, there is nothing else in this country that is going on except for what CASA has been doing. I must say that by the records our problem has increased dramatically and not decreased.

I hope the Member has a change of heart, if that is possible, and votes with us on this resolution.

**MADAM SPEAKER:**

Motion No. 1/92. The motion is now open for debate.

The question before the Honourable House is Private Member's

Services.

The Honourable Elected Member for Health and Social

**HON. D. EZZARD MILLER:**

Madam Speaker, I rise to speak to Private Member's Motion No. 1/92, Employment of Effective Governmental and Judicial Control of Drug Use and Rehabilitation of Offenders in the Cayman Islands, to oppose the several "Resolve" sections in the motion on behalf of the Government.

Much has been said by the Member moving this motion. Much has been implied by the Member moving the motion about the inactivity of the Government and in particular the inactivity and implied disinterest by my Portfolio and the professional staff who work so hard within the Portfolio to provide a service to the community, to the drug addicts, with the resources they have at their disposal.

Anyone is entitled to their opinion. That Member is entitled to any opinion he wishes to express in any forum about me and my Portfolio, its activities, its concerns or its actions. However, the public should only be interested in facts and not the facts which have been interpreted by that Member to suit his own electioneering propositions and to try to have the public believe that he and his cohorts on the Backbench are so deeply concerned about the problem of drugs in this country.

I will be the first to admit that we have no magic solutions, no silver bullets to solve the problem and the scourge of drug abuse in our society, neither has any country that I know of, with much greater resources than we have at our disposal, or countries with lesser resources than we have.

The Government has taken a comprehensive approach to the problems of drug abuse. It will take time to see results from some of the actions the Government has taken in the various Portfolios which have dual responsibility for what is identified in most circles as the causes of drug abuse.

I think it is fair to say that the Government through its various agencies within the Government, through its co-operation with voluntary organisations, through its co-operation with international agencies, is doing much to correct and reduce the drug problems of this country.

Of course no one seems to be able to do enough and correct the problem overnight. The great United States spent billions and billions of dollars on interdiction of cocaine. Cocaine today is more available in downtown Miami at a cheaper price before the US Government spent the first dollar. This week this is a big international conference going on in San Antonio, Texas, about the concerns of the nations who produce this product which is creating this great problem in our society.

It is easy to get up here and shout at the top of one's voice in criticism of what is being done with no alternatives, no solutions being offered. I will attempt today to show that the Government is doing something and that most of what we have heard over the last two days is nothing more than political rhetoric, other than the hidden agenda for the urine test and what might be gained politically if Parliament can control who, when, what, where and how it is used.

Now, let us look in some detail at the charges made in this motion. In the first "Whereas" it says that drug usage has been on the increase. That cannot be denied from the statistics before us. The Police Report tabled this morning indicates a substantial increase in drug-related crimes in 1991 over 1990. That does not represent in its entirety that the problem has grown in the country by that magnitude because there are several mitigating factors to that statistic.

The conviction figures in the Police Report indicate a 65 per cent increase in 1991 over 1990. That must be tempered by several things. The Police are to be congratulated on their improved effectiveness and surveillance. The 20 per cent additional resources provided to the Police in 1991 over 1990 has had a beneficial effect in their ability to catch criminals. But to take that figure and suggest that that represents the number of addicts in the country is stupidity.

A 65 per cent increase is reason for concern and we are concerned, and 1992 will show a similar increase in resources to the Police and the total spectrum of the Government's approach to the problem of drugs.

One has to realise that the population at risk in the country has increased during 1991 over 1990. We increased, as I said, the resources of the Police Department by some 20 per cent in 1991 but more importantly, the Police themselves have had a change of internal policy in regards to the apprehension of drug people who break the law. It is illegal to consume, to have in your possession, or to be associated with several drugs in this country. That is a fact.

The internal Police policy has been that over the last two years instead of confining the resources placed at the disposal or to deal with the problems of drug interdiction to only the Drug Squad, or the 15 people who work in the Drug Squad, there has been an on-going process of training members, both present recruits and the new recruits in the art and science of drug interdiction. So that in 1992 we have over 200 officers who are involved in drug interdiction as opposed to only 15 in the Drug Squad. So obviously the number of convictions, the number of offences and arrests are going to increase and that is as it should be if you are breaking the law. We must provide them with the resources for apprehending you for breaking the law.

Let us look in some detail at those statistics. Let us look at 1990 when we had 546 cases of drug offences and drug-related crimes. That represented only 371 persons, not 546 persons. We had 338 males and 33 females. Out of those 309 were Caymanian, 25 were American, 22 were Jamaican, six were Honduranian, four were Colombian, two were Cuban, and one each from France, Italy and the United Kingdom.

Not all of those were arrested for consumption which is the only indication you have as to what percentage of that population might be addicted. Only 134 cases represented consumption of cocaine. So when the Member applies his number of offences to the number of people who go to

the Community Counselling Centre, and say that we are only dealing with a minor part of the population, he is not entirely correct.

As I will demonstrate, the Government has provided the Courts with the opportunity to send people to the Counselling Centre. Anyone who goes to the Counselling Centre gets help.

Now as I said, drug usage is on the increase. We have in place in the schools, from kindergarten to the Community College, drug education programmes which, have been introduced and they will have their effect on the demand for drugs over the long haul.

Let us look at the second "Whereas". "Whereas it has been proven that imprisonment for repeat offenders has not shown to be a deterrent;". Now that could only be an opinion because the greatest deterrent to drug usage in this country is that it is against the law. We have an exposed population of 12,000 to 15,000 and we have 300 people who are not deterred by it. For those people alcohol is not illegal.

Alcohol causes just as many medical and social problems as either cocaine or ganja. If we arrested people for consuming alcohol out of the exposed population, we would probably have 90 per cent of them but the deterrent is not there. We do not outlaw the consumption of alcohol so they consume it.

Everybody is quick to thump their chests about one or two cocaine babies at the Hospital and their great concern but they are not concerned about the dozens with alcohol syndrome and the effects of alcohol on our society. They accept that and that is socially acceptable. Nobody wants that to be identified because some of those who are screaming the loudest about cocaine have a serious problem themselves with alcohol.

Imprisonment might not work as a deterrent for chronic offenders because the chronic offenders are probably the addicts and unlike the First Elected Member for West Bay who claims to know of this magic cure for drug addiction, I can find no medical literature or expertise that says there is a cure for addiction to either cocaine or ganja, or to alcohol for that matter.

The deterrent also works for all those who are convicted on a first time offence and are not re-convicted. You might say that they do not like because somebody repeats the offence they get convicted for breaking the law. The offence is in breaking the law. If they break the law they have committed a crime.

Now that Member likes to research the *Hansards* and remind other Members of positions they have taken in the past on various policies put before this Assembly. Of course he conveniently forgets to research his own positions because they change like the tide. Remember the rule of thumb: He asks five people and whatever the fifth one says that is where he goes and it can change tomorrow, the next day, the day after, or whatever, on any matter. That goes from political affiliations all the way down to his position on the Abortion Law. The *Hansards* of the House will reveal this.

Madam Speaker, it is true that I seconded a motion in 1985 asking the Government to set up a committee to make recommendations for a rehabilitation facility. We have a rehabilitation facility on the Island. What we do not have is that component that he believes is the silver bullet or the magic wand for residential detoxification because we have detoxification on the Island.

*[Inaudible interjection by the First Elected Member for West Bay]*

**HON. D. EZZARD MILLER:**  
out.

*[Addressing the First Elected Member for West Bay]* You will find

Madam Speaker, my position has not changed. The programmes are what is important. When one has a small pool of resources to work with, one has to try to get maximum benefit from those resources and provide what will cater to the greater spectrum of the population. That is what we have done through the Cayman Counselling Centre and its out-patient programmes.

What that Member does not understand and I maintain, there is no cure for drug addiction and there is no simplistic solution to the problems of drug abuse. Building a facility to house a couple of people overnight or for a month or two months so that they can say they have cleared their conscience, they voted for funds to build a building, that satisfies them. That is not going to provide the silver bullet or a magic solution.

We have to realise that this Parliament, over the last 15 years and longer, has mandated that the usage of certain drugs is illegal. This Parliament has demonstrated over that same period of time and I am going to trace the history of the Misuse of Drugs Law from the time of its Enactment in 1973 and who did what to what until today. But history will show that this Parliament has always been interested and provided in the Law alternatives to prison sentencing. It is against the law and we have to expect that those people who are addicted to drugs will turn to other illegal means to get those drugs.

I agree with previous Governments that we have to provide as many alternatives for the Judges use in sentencing in particular first time offenders and in particular those people on consumption only charges. It is my belief that when we are dealing with the more hardened addict, the repeat offenders, our best solution is a well developed treatment and rehabilitation programme within prison. We are doing what we can with the resources we have.

The US National Institute of Drug Abuse reported on a survey of some 160 programmes in Federal and State prison systems in the United States. Their findings indicated that a well developed, therapeutic community model, focussing clearly on behaviour modification is perhaps the most effective tool in treating persons in this category and providing an after-care and follow up programme is developed



as part of the system. This is exactly what we are doing.

We send counsellors to the Prison two days a week. Some of the prisoners take advantage of it, some do not. We have a programme to assist them after they come out of jail. Some take advantage of it, some do not. The Community Centre is open five nights a week now to deal with those people.

*[Inaudible interjection by the First Elected Member for West Bay]*

**HON. D. EZZARD MILLER:** *[Addressing the First Elected Member for West Bay]* No, we started one in West Bay but people like you would not support it and we could not get any community involvement so it fell apart....

**MADAM SPEAKER:** Honourable Member, please, no talking across the floor. This would be a time to suspend the House for 15 minutes.

**HON. D. EZZARD MILLER:** Could I please draw your attention then to Standing Orders, when other Members are speaking?

**MADAM SPEAKER:** Yes, I am quite aware of the Standing Order. The House will be suspended for 15 minutes.

#### AT 11:30 A.M. THE HOUSE WAS SUSPENDED

#### HOUSE RESUMED AT 11:52 A.M.

**MADAM SPEAKER:** Proceedings are resumed. The Honourable Elected Member for Health and Social Services, continuing.

**HON. D. EZZARD MILLER:** Thank you, Madam Speaker. The third "Whereas" in this motion deals with concern in regards to overcrowding at Northward Prison. That concern is acknowledged and something is being done about it on several fronts.

We have a budget allocation in 1992 for an expansion programme. We had an amendment to the Prisons Law which this Parliament approved just a few days ago. We have further liberalisation and expansion of attendance orders and community service orders under an amendment to the Misuse of Drugs Law proposed for this meeting as well. So that is on-going and the Member should have at least been aware of the budgetary allocations when he quoted that "Whereas".

The fourth "Whereas" says: "AND WHEREAS a large percentage of the prison population consists of repeat offenders convicted for the consumption of drugs under the urine test." Now that is not a fact. The most recent press release from Government Information Services dated 20th February, 1992, which was published in the press, contradicts that and gives the facts and figures of the population in the Prison. This is what it says: "In mid-January we had 87 prisoners on drug-related offences. Of that 87, 51 persons were repeat offenders on various drug offences. Only eight persons were charged with consumption and therefore would have been convicted under a urine test."

Now eight persons do not represent, as the Member touted in his presentation this morning, that greater than 50 per cent of the prison population are repeat offenders convicted under the urine test. He should have been aware of these figures when he made that statement but that is the kind of twist that he has put to all of the statistics he has used in trying to put across the position to the public that the Government is doing nothing. If he reports the statistics accurately, that cannot be successfully proven.

Those eight people represent approximately four per cent of the total Prison population. One has to wonder if this is not the "Whereas" and the resolution linked to the control of this test which spawned this whole motion and the rest of it is just to detract from the real hidden agenda and that is to get the Police to stop using the urine test.

Madam Speaker, it cannot be argued that the urine test is not the single most effective tool that the Police have at their disposal to convict people of consumption of drugs. It is also, in my opinion, the greatest deterrent we have on the books. If you have not consumed it, you have no fear of the test. If you have consumed it, you have broken the law. We cannot, as Parliamentarians, make it illegal but in the same breath for other purposes not wish the Police to use it. The urine test has to be used in accordance with the law, otherwise its usage cannot stand up in Court. We know that the defence lawyers would never miss an opportunity to have a case through out or to win a case if a urine test was abused. This is what the law says about the urine test. This is from the Misuse of Drugs Law, (13 of 1973) (Second Revision), which was done in 1985, section 4(1) says:

"4(1) A constable or customs officer may arrest without warrant a person who has committed, or whom such constable or customs officer reasonably suspects to have committed an offence under this law."

So they have to first arrest them and they have to have a reason and a suspicion to arrest them.

(2) A person who has been arrested under subsection (1) may, while at a police station, hospital or other convenient place, be required by a constable to provide a specimen of his urine for a

laboratory test and, if such person, without reasonable excuse, fails to provide such a specimen he shall be guilty of an offence.

(3) When requesting any person to provide a specimen for the purpose of subsection (2) the constable shall warn such person of the possible consequences of failure to supply such specimen.

(4) If the person giving specimen so desires, he shall be given a portion of the specimen for examination by his own medical adviser."

Madam Speaker, those are the conditions under which the Police can use the urine test. Those are the controls provided for in the law on the use of urine tests. It is just like when we get caught speeding, we all have excuses why we were speeding. Anybody who gets a positive test here has excuses of why they were guilty. The hard, cold facts of the matter are that you cannot be found positive on the urine test unless you consume the drug. If you consume the drug, you have broken the law.

We have to provide alternatives to imprisonment when they break the law. We have done that and are doing it. If that Member has specific cases where the Police have gone and taken people out of bed or away from their place of work without a reason to suspect them under section 1, then bring it to the authorities and have it dealt with.

We cannot have all of this concern about the problem in our society, all of this concern about the alarming statistics. Do they believe that if the Police stop convicting the people the problem will disappear? If you remove the urine test from the 1990 and 1991 statistics you will remove over 400 cases so the statistics will come way down. Is that a solution to the problem? That will suit their purposes because then they can say they have solved the problem and the statistics have gone down.

The urine test has other advantages to the Police as well. If the Police arrest someone for possession of the drug and they ask them, as they can do under the law, for a urine test and the urine test comes back negative, that person is most likely to be a trafficker and not a consumer and should be dealt with most severely by the law. So it has that aspect to drug enforcement. Because if you have it on you and you are not consuming it, you must be selling it, or at least that is an indication which can be drawn from that set of circumstances.

The urine test, under the National Drug Plan and as used by the Community Counselling Service, has a different application altogether. No punitive action under the Misuse of Drugs Law applies under that circumstance. It is used there to ensure compliance. They are treating somebody who is addicted and they say he has been off of it for weeks, well, let us prove it, let us do a urine test.

In terms of drug policies in the work place which we have managed to have introduced by some of the larger employers in co-operation with the Chamber of Commerce, in that case it is used and carries only the penalties applied by the employer, whether it is termination or whatever, including Government. If a policeman, when they do regular, random samples there as is my understanding, is found guilty of consumption when it is applied in that circumstance, he is not taken to Court. The penalties, as imposed by the employer, the Government, whether it is termination of employment, are applied. But he not taken to Court and convicted under the Misuse of Drugs Law. Those are all positive aspects of the urine test.

As for the fact that if the Police catch you one time and convict you under the urine test, you can do anything you want then until you go to Court. They should never attempt to arrest you the second time irrespective of what you do with drug consumption. That is what the Member said! They have no right he says. They should not go back and interfere when they have one case pending. They should be allowed to consume any amount they want, break any law they want. If they have a case before them, "Go right ahead, you are free." If they continue to break the law, they must continue to be charged.

The fifth "Whereas" deals with the Chief Justice questioning the efficacy of sentences passed on persons for repeat drug consumption offences. If one follows the history of the Misuse of Drugs Law, and of course, the Government took the comments of the Chief Justice very seriously and acted upon them. The Bill is before Parliament and we will see whether they are going to take their normal political position on that and oppose it because the Government brought it, or if they really have an interest in what is going on.

Now the first Misuse of Drugs Law was passed in 1973. That Law allowed the Judge to exercise his discretion in sentencing. It provided fines and/or prison terms. In 1977 the Government at that time introduced the distinction between "hard drugs" and the rest, that is, they separated ganja from cocaine and they called cocaine and other substances "hard drugs". They removed the discretion from the Judge and put in mandatory prison sentences on both ganja and cocaine offences. They had a mandatory minimum prison sentence term for both more than one pound of ganja or for hard drugs.

They introduced attendance orders and community service orders there. I am not a lawyer but from reading the Law it would appear that you first had to pay your fine, serve your mandatory sentence, then you could be ordered to community service or attendance orders.

In 1980 there were various small amendments which dealt with the Schedules and other minor things but we are talking here about the changes to the provisions of sentencing under the Misuse of Drugs law.

In 1985 the Government of that day removed the mandatory sentencing for drugs and re-introduced discretion to the Judge for either a fine and/or imprisonment except for one section which, if one checks the *Hansard* of that debate, it will be obvious that the Government of the day intended to introduce discretionary powers for sentencing under the misuse of drugs and all areas for consumption in the Law. One section was inadvertently not changed and that was section 13(4)(b) and this is what it says:

"13(4) Notwithstanding to the provisions of subsection (1), where a person is convicted of any offence that-

- (a) is contrary to any provision of this Law; and
- (b) is in relation to a controlled drug that is a hard drug, the sentence shall on summary conviction include a term of imprisonment and a fine in accordance with the provisions of Part B of the Second Schedule."

Those Schedules to the Law were introduced in 1977 when we quantified the quantities like a pound of ganja and two ounces of cocaine and you specified what the term of imprisonment was.

During the period of the mandatory sentencing the Judges of that day quite often, in order to comply with the mandatory sentence required, sentenced people to jail for one day and used their discretion in the fine. The crop of Judges which we now have regard that as somewhat of a mockery. They maintain (and this is where the Chief Justice's comments came from) that this section of the Bill forces them, on summary conviction, to include a period of imprisonment and that it was not intended to be one day. The amending Bill to correct that clause is before this Parliament in this sitting.

When that Law is passed, the Judges in this country will have probably the greatest number of sentencing options that exist in the free world. They can sentence them to an attendance order, they can fine them, they can sentence them to rehabilitation centres, vocational school, community services, imprisonment or any combination of those terms that their imagination lends them.

That is the Government that that Member claims has no commitment to rehabilitation or to drug programmes. The records of the Government show that to be untrue. The truth is it was just brought to our attention. Most of the Members of this Parliament believe that all of the amendments made to allow total community service, attendance orders and to put the total discretion in the Judge, was done in 1985 and if you check the Hansards of the debate you will see that. As soon as it was brought to our attention by the Chief Justice we corrected it. We are going to correct it in this sitting.

Madam Speaker, the Cayman Counselling Centre was established by the previous Government. Since we have been in we have expanded the service. We have set up a referral service to Hazelden Rehabilitation Center in Center City, Minnesota, and the Palm Beach facility. We have introduced a national drug strategy based on the disease model which is that drug addiction is an illness and must be treated as such. We, as I said, expanded the Counselling Centre. We have moved it out of the Hospital compound for greater confidentiality. We provide free service through the Counselling Centre to anyone who needs it. We have even expanded to provide services for those people who are working during the day, who cannot attend during the day so they can attend at night, and for their families.

That Member's contention that there is no drug counsellor at the Counselling Centre is totally inaccurate. Mr. Bob Jones the co-ordinator of the programme was the first drug counsellor hired by this country and he is still involved with the programme. There is a process for recruitment for the replacement of civil servants. Since the Member says we have not done anything, let me give him what has been done about that vacant post of drug counsellor.

One of the drug counsellors gave notice of non-renewal to contract on 28th February, 1991. Her contract was supposed to expire on 31st August, 1991. The various documents required for recruitment were submitted to the Public Service Commission the second week of April, 1991. It was reviewed by Organisation and Management Services, as is per the system introduced by Government to control growth in the Civil Service. Then the post was advertised by the Public Service Commission. The Public Service Commission held interviews on 28th October, 1991. The Public Service Commission approved the selection in November, 1991 and the candidate selected by the Public Service Commission declined the offer in November, 1991. The pending applications were reviewed, a short list was prepared in early December, 1991 and the Public Service Commission advised to have their recruitment through the Health Services Authority.

In January, the approval for recruitment procedures for the Health Authority was completed. Candidates short-listed were contacted in January, 1992 and the interviews are slated for 13th March, 1992. While I can agree it has taken a long time for the recruitment, I did not put the recruitment procedures in place but I have to follow them.

The commitment of this Government to drug rehabilitation and the concerns it has expressed in various forums throughout this land has led to a gradual change in attitude within the country towards substance abusers to the extent that we can take more enlightened views to addiction and treatment, and provide alternatives for sentencing.

On the other hand, the Government is sending a clear message on the issue of trafficking. From my point of view, I would like to see them introduce life sentencing for trafficking over a certain amount and I will take the necessary papers through Council.

The next "Whereas" makes the claim that it has proven more expensive to send drug users overseas for treatment. More expensive compared to what?

Naturally, it is more expensive to send people to Florida and Minnesota for intensive in-patient treatment which cannot be done locally. We do that across the whole medical spectrum of disease. The professionals will also tell you that that kind of intensive, in-patient treatment is not suitable for every individual case. When such treatment is called for, based on the counsellor's recommendations and supported by the psychologist's evaluation of the client, provision is made for them to go to these institutions.

The 1991 cost of sending someone to Center City, or Palm

Springs, Florida, is \$7,140 for 30 days of intensive, primary treatment, or \$7,156 for 120 days in a halfway house intensive programme.

That is infinitely cheaper than the capital investment locally and the recurrent cost of sending them overseas. Of course there has been a reduced number sent overseas because we are improving our programmes locally to treat people on an out-patient basis. We have trained our doctors and nurses at the Hospital in detoxification.

We, in fact, detoxified 11 persons who are doing the out-patient programme at the Cayman Counselling Centre, locally, during 1991. The design for the new Hospital accommodates those needs in its design. They have all the solutions, you see.

Because we are improving the out-patient facilities locally, because we can now handle the detoxification at the Hospital, of course there are less people who need to go overseas for even more intensive detoxification or rehabilitation programmes. But, we are not doing anything. They will have all of the solutions when he gets this seat.

For his sake I hope he gets this seat because he has been bragging about that for the last three years and I do not know what is going to happen to him if he does not get it because there is no combination under the six of them who are left of their group putting together eight people as a majority and he getting one seat on Council. If they can do it, I invite them to get up on the Floor of this Assembly during the Throne Speech and name him and guarantee the public of this country that they are going to give him a seat on Executive Council because they are not going to give him one. The Member for George Town is shaking his head and telling me no. I know he will not give him one! If is going to give him one, tell him to get up here. He is only now contributing to the Throne Speech. If he is going to give him this Portfolio, get up there and promise the people, so people like his good supporter Mr. Walker, can hear who he is has up on Executive Council with him. You are not shaking your head? You know.

If he gets here and he can solve the problem, that is good for the country. Instead of our Drug Plan being annexed as a reference document to neighbouring countries' drug plans, we will then have the solution for the world and we can forget about tourism and finance and market the solution to the drug problem. He does not have a solution.

We heard one Member say yesterday that they had three or four Chief Ministers. They have about five out of that six and only five...

**MR. W. McKEEVA BUSH:**

Stick to the motion.

**HON. D. EZZARD MILLER:**

...out of the eight...

**MADAM SPEAKER:**  
microphone, please.

Honourable Member, I will not have that interruption on the

**MR. W. McKEEVA BUSH:**

Madam Speaker, I will interrupt then under the Standing Orders because the Member is not dealing with the motion. The Member is dealing with Chief Ministers.

**MADAM SPEAKER:**

Member, I am in charge of the procedure here, please. *[Addressing the First Elected Member for West Bay]* Honourable *[Services]* Honourable Member, would you continue.

**MR. W. McKEEVA BUSH:**

Madam Speaker, I draw your attention to the Standing Order of relevance. The Member is dealing with Chief Ministers and has nothing to do with this motion before the House which is talking about rehabilitation.

**MADAM SPEAKER:**

Would you proceed Honourable Member?

**HON. D. EZZARD MILLER:**

seat. That is what I am replying to...

Madam Speaker, it was that Member who threatened to take my

**MR. W. McKEEVA BUSH:**

We will deal with Chief Minister when we get it.

**HON. D. EZZARD MILLER:**  
has joined our party.

Madam Speaker, some of us are rather upset because nobody

**MR. W. McKEEVA BUSH:**

(Laughter) It is certainly not going to be the cartel!

**MR. TRUMAN M. BODDEN:**

(Laughter) You can believe that.

**HON. D. EZZARD MILLER:**

Madam Speaker, let us look at some of the programmes being done by the Cayman Counselling Centre which that Member claims the co-ordinator told him is only doing family counselling. These are the programmes that are presently in place.

We have an assessment. Clients initial contact with the Cayman Counselling Centre normally involves an assessment interview, or interviews. This usually determines if the client's problem is primarily chemical dependency or not and which programme and counsellor to refer them to within the Cayman Counselling Centre. At this time or any time during the client's treatment, an in-depth psychological

assessment can be requested from the clinical psychologist who consults with the Cayman Counselling Centre on a part time basis.

Primary treatment. The first phase of treatment if identified as having a dependency to a chemical is an intense educational programme. This parallels the Hazelden programme. Offered on an out-patient basis clients are assigned to a treatment group for a specific time-frame. From January, 1990 to August, 1991, this was a 10-week programme offered in the evenings at the Cayman Counselling Centre.

After-care. Upon completion of the primary programme, clients are graduated to weekly meetings. This allows the client to resume a normal working and living routine while maintaining treatment. After-care involves a minimum of one contact weekly with options for more frequent group or individual support, as the client or counsellor deems necessary.

Specific needs groups. Clients who have had an addiction to a drug invariably have other needs once they learn abstinence. These include parenting, marriage counselling, incest survivors and individual therapy. Programmes are provided as numbers warrant.

Self-help groups. Such groups as Alcoholics Anonymous - Al'Anon. Co-dependent and adult children of dysfunctional families are used by the Cayman Counselling Centre to link clients back to the communities. Such groups are non-professional support groups run independent of the Cayman Counselling Centre and the other existing community groups are essential to giving clients autonomy. We have a programme at the Prison twice a week.

The Government developed a National Drug Strategy and it was tabled in this House in September, 1989. Not a single word of encouragement or comment from the Backbenchers. Later we had three weeks of debate here about a jetty in West Bay. Oh, to have demonstrated to the public their commitment to a National Drug Strategy and debate it. No, they were more concerned about a jetty in West Bay. We had three or four days of rowing about that.

Just let me remind the House of the National Drug Strategy. They claim that we are not doing anything and we do not have a plan, yet this plan is annexed as a reference document to the Bermuda National Drug Plan. This is what the National Drug Plan is about.

The National Drug Plan under the auspices of the Department of Health embodies the following concepts.

- Chemical dependency is a primary, chronic and progressive illness.
- Chemically dependent individuals should be treated with respect and dignity.
- Services should be provided on a confidential basis.
- Introduction and school curricula falls under the jurisdiction of other Portfolios and will therefore not be covered in this Plan.
- The National Plan which is co-ordinated by the Medical Officer for Health in co-operation with Government and the private sectors will focus on promoting healthy life-styles, preventing abuse of all mood-altering substances and providing appropriate treatment to chemically dependent persons and families.

The three major areas of responsibility are as follows:

- Prevention and community education;
- Treatment services;
- The employee assistance programmes.

Note, there is a clear distinction between the interdiction of those people who break the law. That falls under the Attorney General's Chambers and the Police.

The National Drug Strategy for which I am responsible, deals with prevention and continued education, treatment services and employee assistance programmes. I could add that the Education Portfolio has in fact, introduced drug education through programmes like "Skill for Living", the Quest Programme in conjunction with the Lion's Club throughout the school spectrum, from Primary School right through to the Community College.

Under Prevention and Education.

Goals:

- change public attitudes;
- raise awareness of the potential effects of drug abuse
- create an awareness of available resources and programmes; and
- encourage community organisations to participate

Objects and Methods:

- provide on-going community-based education on drug-related issues;
- utilise community leaders to promote involvement in educational programmes and activities;
- provide training to professionals in identifying symptoms of abuse and making referrals;
- offer orientation packages;
- develop and provide educational material and a speaker's bureau;
- develop messages through the radio and other electronic media."

Madam Speaker, all of that is on-going.

Evaluation:

- quarterly evaluations to occur monitoring referrals and impact of training and job performance. Specific areas to be monitored will be production, procurement and invention of educational materials; ,
- informal surveys to be conducted among focus groups to gain insight on changing attitudes and behaviour patterns
- in formal sidewalk surveys to be conducted as well as monitoring of support groups.

Treatment:

Goals:

- Treatment process will include early intervention, assessment, detoxification, out-patient/in-patient service and after-care. Professionals will be provided of the necessary training.
- the target population includes family members. A special emphasis will be placed on out-reach to neighbouring districts and Islands as well as in-services for youth;
- inter-agency co-operation will be encouraged;
- existing services will be improved and expanded;
- an in-patient rehabilitation centre will be chosen to establish a relationship with an off-island centre;
- halfway houses will be established;
- a 10-bed residential facility will be established in conjunction with a drop-in community centre;
- self-help groups to be established.

Objectives and Methods:

- By procuring consultation for programme design, development and staffing, detoxification and halfway houses will be developed;
- qualified staffing and on-going training will be offered;
- planning with court/prison systems will be initiated to improve services for the treatment of offenders;
- assessment capability, out-patient programmes and family services will be improved and expanded;
- formalised after-care services will be developed;
- community outreach and separate youth services to be developed.

Evaluation:

- the Plan, including record keeping and reporting system will be monitored on a quarterly basis;
- an evaluation of recovered patients will be conducted for up to one year after last contact;
- on-site programme reviews will occur biannually;

Employees Workplace:

Goals:

- Employee Assistance Programmes will be introduced and a series of workshops involving employees, top managers and supervisors;
- an important aspect of the EAP package is to include a draft drug policy for the workplace. It is hoped that this will lead to the development of comprehensive drug and alcohol policies;
- talks have commenced with the Chamber of Commerce to include an arrangement whereby small groups could share the services of an employee assistance programme.

Evaluation:

- prior to the implementation an anonymous employee survey will be conducted;
- the programme will be monitored quarterly with formal record keeping and reporting systems;
- biannual EAP reviews will occur in conjunction with a follow up confidential employee survey

Note: If urinalysis drug testing becomes part of a company's policy the National Plan recommends the following guidelines be applied:

- it must be medically supervised;

- confidentiality must be assured; and
- it should result in further evaluation where indicated.

This is what we set out in 1989 to achieve over a five year period. I did not tell anyone that the National Drug Plan had been implemented 100 per cent. We do not have the resources to implement it in one year. Nor would it be as effective. Seventy per cent of it has been implemented over the last three years.

Let us look at some of the things which have been done under the National Drug Plan. Under prevention CASA, in association with Cayman Counselling Centre staff, has undertaken the task of preventative education on a community-wide basis. We have given CASA resources to assist them with this project. Not the total resources necessary.

I am glad to acknowledge that the task undertaken by CASA has been a positive approach in community education. Their Parent-to-Parent Programme is one of the best programmes that exist. From where I sit I ask CASA to concentrate on Parent-to-Parent and to set a goal to educate as many parents throughout these three Islands as possible. They educated a lot of parents but there are still many left to be educated. They are working with the resources which they have.

They have introduced a Youth-to-Youth Programme which is working very well. They have helped with peer counselling amongst the youth. All of these organisations have been very useful in promoting and educating the community at large on the skills needed for prevention of drug abuse.

They have a skill programme known as the Systematic Training for Effective Teaching for teachers in the Middle School and was initiated under the auspices of the Cayman Counselling Centre and the Education Department in January, 1990. It is envisaged that the teachers will be better equipped in dealing with emotional problems of children thus laying the foundation for prevention of drug abuse indirectly at a later date.

The Portfolio started off Drug Free Week which put a lot of educational material before the community at large for a concentrated period of one week. Last year we had the benefit of CASA who provided most of the organising for the event. We had a number of international speakers brought in during that week. In fact in 1992, CASA, with additional funding from Government, will take on the role for totally organising Drug Free Week in September this year.

Madam Speaker, that is what the Member says my Portfolio is not doing. We are not involved with the community. We are not involved with the agencies out there. We have tripled the resources provided to CASA over the last couple of years. In fact, if you add in for the Drug Free Week, it is more than tripled.

As I say, the Education Portfolio has done their part. They have introduced the education programmes within the schools and they will pay dividends but it is going to take time.

Under treatment in 1990, the first full year of service for the Cayman Counselling Centre, the clients who used the services were categorised as drug users and non-users, meaning people with other problems or family members of drug users. The number new clients who used the service was 129 in 1988, 119 in 1989 which rose to 240 in 1990. The total client visits was 674 in 1988, 973 in 1989 which rose to 2,415 in 1990. I do not yet have the total statistics for 1991. But, this is a service that is doing nothing. We went from 129 in 1988 to 2,415 in 1990.

These visits involve individual counselling, out-patients, primary treatment programmes for drug users and family programmes. The increased usage of the service is a reflection of the recognition of the problem by individuals and families which is a step in the right direction of tackling the problem.

In addition to these treatment programmes, a group therapy programme for adult children of dysfunctional families was just initiated in January and will be monitored closely. This is not limited to chemical dependencies but extend to other emotional problems.

The third component of the National Drug Plan is the Employee Assistance Programme (EAP) which has three areas: Education and Prevention, Treatment/Rehabilitation, or Employee Assistance Programme. But, they claim that I am not doing anything about rehabilitation. They have not read the National Drug Plan. They do not read anything that I give them. It is a waste of time and Government paper to print it and give it to them.

The Employee Assistance Programme is a confidential resource for employees designed to enhance the quality of life. The benefits will spin off to an employer with higher levels of productivity in the workplace and to the wider community with its impact on families and the general society.

The EAP is designed for enlightened work environments in which a non-punitive posture is adopted. Its objective is to assist employees who may be experiencing impaired performance on the job for reasons external to the workplace. While drug abuse provided the main impetus for the EAP, the programme will incorporate other services such as marital, family and legal counselling according to needs.

The EAP is based on a system in which supervisors are trained to identify employees for referral to trained counsellors who will assess the problem and make appropriate referrals to a network of professionals or support services. The system also provides the employee self-referrals.

On 26th February, 1990, an agreement was signed between the Cayman Islands Government and the Cayman Islands Chamber of Commerce for development of an EAP as a consortium model. Initially, we require an individual experienced in the EAP who is capable of organising seminars in the workplace to provide full details of the programme to all categories of employees and management. While this information is being provided to the private sector, as the Government of the Cayman Islands is the largest

employer, it is felt appropriate for Government to assume initial responsibility for the appointment of the EAP co-ordinator.

The Public Service Commission in association with the Chamber of Commerce has completed the recruitment process and the selected candidate is expected to join by early April. The EAP co-ordinator will be on secondment to the Chamber of Commerce. The office of the Medical Officer for Health will provide technical supervision while the Chamber of Commerce will assume the administrative role. The Chamber of Commerce will provide office space and secretarial assistance. Workshops and marketing materials will be provided by the Chamber of Commerce. Workshops conducted by overseas personnel will be funded by participant's dues.

**MADAM SPEAKER:**

House will be suspended until 2:15 p.m.

Would this be a time where we can take the suspension? The

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

**HOUSE RESUMED AT 2:18 P.M.**

**MADAM SPEAKER:**

Member for Health and Social Services continuing.

Please be seated. Proceedings are resumed. The Honourable

**HON. D. EZZARD MILLER:**

Madam Speaker, when we took the lunch break I was dealing with the provisions, aspirations and hopes of the National Drug Plan. As I said, the Portfolio or the Government has never postulated that the National Drug Plan has been implemented 100 per cent. What we have said is that it has been implemented 70 per cent and we are working diligently to complete the remainder of it. But to say to the public that nothing is being done is terribly erroneous and a terrible disservice to the hard working professionals who are trying to provide the service.

I take no credit for doing this work. I am only the person at the top who the politicians can blame. The actual work which has been done in this area has been done by the staff of the Cayman Counselling Centre under the direction and management of the Medical Officer for Health. I provide policy direction as approved in Executive Council and I am prepared to go to Executive Council and fight all of the other departments to get resources to try and solve the problem. We are fully aware that the problem has not been solved. We are also fully aware that neither is it an easy problem to solve and that no magic solutions exist.

When we took the break I was dealing with the third area of the National Drug Plan which deals with the Employee Assistance Programme. As I said, this programme is a joint programme between the Chamber of Commerce and the Cayman Islands Government. This agreement was signed in February, 1990, shortly after the Drug Plan was accepted as Government's national policy in September, 1989. We have had extreme difficulty in recruiting the kind of person which we need. In fairness to the Public Service Commission, they have gone through a lot of applications. I think they have selected up to three people on three different occasions and each person has turned the job down when it was offered to them for their own individual reasons.

The expenses of the cost of the EAP co-ordinator will be borne by the Government, as I said earlier, for one year. It is envisaged that the Chamber of Commerce will be able to encourage many of its members, through the seminars organised by the EAP co-ordinator, to buy into the programme. The programme's development will be reviewed quarterly by the EAP Committee of the Chamber of Commerce in association with representatives of the Government and a submission has to be made if further continuation of the salary by Government is required beyond the agreed period. In actual fact this salary is now going to be met by the Health Services Authority.

It is the intention to have an autonomous board for the management of the EAP. Initially the EAP Steering Committee and the Chamber of Commerce with the representatives of the Cayman Islands Government will be become the Board. Appropriate legal framework will be developed. The ultimate aim is to develop the EAP as a programme belonging to employees and employers rather than of Government.

It is anticipated definitively by the end of two years to have the consortium model fully developed at which stage Government will also be a member just like any other private sector organisation and will provide its contribution. It is hoped that by the time the EAP would be a corporation the substantive post would be withdrawn by the Government to be utilised to employ a counsellor in the chemical dependency programme in keeping with the growth expected at that time.

After the EAP co-ordinator arrives, the EAP package will be developed and marketed. The package will include the services offered and the contributions expected. The EAP co-ordinator will also assist the various organisations in developing drug policies specific to the organisation.

I would like to publicly commend the Chamber of Commerce for their active role as partners in the development of the EAP and wish them success in this venture and look forward to their continued support. It is an area of intervention where once it is up and running will contribute to a reduction in the problem of drugs because we should be able to help people before they get on drugs.

While as the Member responsible I am grateful and proud of the achievements in the National Drug Prevention and Treatment Plan, I also recognise the shortcomings and the fact that we have not been able to implement it 100 per cent up to this time. Many people have stated that we need a drug rehabilitation centre. This means different things to different people. If we are talking in the sense of an intensive in-patient treatment programme with residential facilities, we do not need it as the services needed in such



a centre would be the same if we had one client or if we had 10 clients and cost is going to be same.

It cannot be done cost-effectively in a competent manner locally. Therefore that is why we refer that small section of our drug addicts and the people on drugs to institutions which have a long history of successful treatment in these specialised areas.

Madam Speaker, we need a facility such as a halfway house for several reasons. We have been in the process of developing the halfway house. We have come up against several hitches the least of which has been the availability of adequate resources to put the programme in place, but we have developed the programmes, the staffing requirements of the institution and in fact, quite recently, about three or four months ago, we identified a house but that house, owned by Government, is presently occupied by the Cuban refugees. We have to go through the planning process to get a change of use.

While many people see the need for these facilities, when you say you are going to put them in a particular section of the community, there is often a great hew and a cry about using those particular houses in those particular communities for those kinds of services.

Madam Speaker, we are giving, at the Portfolio level, priority to developing the halfway house programme and we hope to get it implemented as soon as possible. We also recognise the needs of the prison population. It is envisaged to assess each client who comes to the group programmes offered at the Prison and develop suitable treatment programmes and modalities. We have to keep in mind that the Prison inmates may or may not go to the Counselling Centre after release. We provide the opportunity for them to do it but there has to be a certain amount of desire on their part.

We have developed a plan to provide continuing counselling for these people after they are discharged from prison to try to encourage them and it works with some but not with others.

The Member moving the motion had much criticism for the services of the Cayman Counselling Centre and its inadequate provision of services. He said that all they are doing now is family counseling and the like. That is rather unfortunate because in 1991 the Cayman Counselling Centre dealt with 83 new patients, 73 with an alcohol problem, 40 with a cocaine problem and 45 with a ganja problem. Many of these 83 clients had all three of those problems. They had an alcohol, cocaine, and ganja problem.

Madam Speaker, 21 court referrals with placement orders were given in 1991 for offences relating to drug abuse and substance abuse. The Community Centre provided the service and catered to the people. Treatment programmes for drug abusers in this case involved initial assessment followed by structured primary out-patient treatment programmes with after-care and self-help groups depending on the needs of the clients.

Few of these clients might benefit from in-patient treatment facilities, the indications being the history of successful out-patient treatment programmes, potential withdrawal programmes, medical problems, lack of social support, and marked ambivalence about the need for treatment. In cases where detoxification could be handled at the local hospital, we did that and then we provided the necessary out-patient treatment programmes from the Cayman Counselling Centre.

Madam Speaker, the mover of the motion also took great pains to try and point out that the Government was not concerned, had no commitment and that the Cayman Counselling Centre was not doing anything because of the number of overseas referrals. The statistics he used were for 1989 when we sent 17, in 1990 we sent nine and in 1991 we sent six, therefore, we were not doing anything. If you add the 11 people in 1991 who were detoxified locally to the six who went overseas you come right back to the total in 1989.

Instead of giving the Cayman Counselling Centre the credit for developing better and more extensive out-patient programmes, he chose to criticise the Government for not doing anything. I do not expect that that Member in particular would ever give my Portfolio credit for anything it has ever done. I neither need his credit, expect it, covet it or anything. He is entitled to his own opinions and if he gets this post, as he plans in November, 1992, he will suddenly realise that those simplistic, magic solutions which he has been postulating for years do not solve the problems.

Now the next "Whereas" deals with the Drug Advisory Council and because of the fact that it has not met for the past year, he considers it to be ineffective. He is entitled to that view. I do not subscribe to that deduction. He claims that the Portfolio has paid no attention to the Drug Advisory Council, that they made a report and the reason I have not ordered them to meet contained all kinds of innuendos.

He read a portion of the Law that suited him to read at the time, which said that the Member had the authority to order the Council to meet. I did not even have the authority to get minutes from the Drug Advisory Council when I asked them for it. Section 6 of the Law is quite clear. "2A.(6) At meetings of the Advisory Council the quorum shall be one-half of the members appointed, and subject to that the Advisory Council may determine their own procedure." Let no one have any doubts, the Drug Advisory Council adopted its own procedure and its independent status from the Member and from Government and operated entirely independently from Government.

The two reports that the Drug Advisory Council tabled did not include interviews with my Portfolio. The Drug Advisory Council has tabled two reports and there has been in many quarters a misunderstanding of the role of the Drug Advisory Council.

The Law clearly defines the role of the Drug Advisory Council and it makes it quite clear that it is one of an advisory capacity to the Member for Health. The Council has no executive authority to do anything other than to review the situation of drugs in the country and to make recommendations to the Government through the Member to do something about the situation.

The Drug Advisory Council made 45 recommendations to Government in its last report, 18 of those recommendations related to areas of my responsibility. Those areas of

responsibility, juveniles, treatment and rehabilitation, prevention, education in the misuse of legal drugs are the subjects which fall within my Portfolio. To date, 14 of those 18 recommendations have been implemented and the actions taken by those recommendations are on-going. Three others are being addressed in alternate forms other than those recommended by the Drug Advisory Council. Just to impress upon the Members and the public, I would like to go through those recommendations and say what has and is being done about those recommendations.

The Council recommended the revision of the Juveniles Law to be completed. The Juveniles Law was completed and passed in this Legislative Assembly in June, 1990. It is now under revision and Regulations are being developed. The reason for that is quite simple. For years, at least a decade, this country and various Governments have talked about a new Juvenile Law. We revised the Juvenile Law, we put it in place, we have seen how it has been administered, we know we need to make certain changes in it, we need to put certain Regulations in place, and we are doing that.

Madam Speaker, the Council recommends that a Juvenile Correction Centre be established. This recommendation has been made over and over again by different groups for at least the last 10 years. However, when you get them in technical environments and meetings, no consensus can be reached on what groups such a facility would serve, or whether it would serve a multiplicity of needs.

About four years ago we heard about a 75-bed correctional facility. I just visited at the St. James Parish, New Orleans, such a correctional facility, in other words a closed facility. That facility accommodated 18 children. The capital cost of the facility was US\$10 million. To build a similar facility in the Cayman Islands would cost between \$12 million to \$15 million. That is not recurrent expenditure we are talking about. We are talking about just the building, the facility.

We are in the process of negotiating with that institution to contract two or three beds on an annual basis at the cost of approximately US\$100,000 or CI\$80,000. The programmes which that institution offers are between three or in very extreme cases, six month programmes. So we would be able to send several children per year to that facility if we had the beds for a year. This is a correctional facility. They have full educational facilities. We would send our child in the company of the Caymanian social worker if the court so ordered. During the intake procedure a set of objectives and goals to be achieved on a weekly basis would be put in place. When the child reached those goals he would be discharged with a computer disk which sets his future goals which can then be monitored and implemented in our society.

The Social Services Department would be able to access those records while the student is there on a regular basis. Those children would be much better served from that kind of intensive proper treatment than trying to build a 75-bed institution in Cayman and then spend years trying to put the proper programmes in place for education and training.

The Prison is a good example. Everybody talks about rehabilitation in prison but it takes resources and it takes time to put them in place. Once they can say they built an institution, the fact that the children would be rolling in and out of it would not bother them. They are not concerned about whether the child gets any good or not. What I am concerned about is that the child is put on a programme that will make him a better member and more productive member of society.

Madam Speaker, the kind of facility they talked about, I call it a junior prison. The Portfolio obtained the services of a group of consultants who had extensive experience in residential care of children, and who did a review of the services provided locally to youth and what services need to be provided. The one thing I insisted upon from those consultants was that the youth of the Cayman Islands must have a complete continuum of care. We must know at what point the child gets on the train, what services he needs on the train, and what he has to do to get off of the train and get back into society to be a productive member. Not just to put him there so we can brag when he gets to be 18 years old that he committed murder and we predicted it 10 years ago but we did nothing to stop it from happening. We put them in a residential facility and we forget about them.

The consultants have recommended what they call a "pyramid of care" which starts at the community level involving all of the community organisations in prevention, in the promotion of good children, to prevent good children from going bad. That is where our emphasis has to be. As you slide up the pyramid the court gets involved at certain levels. We get involved in voluntary foster care, in compulsory foster care, in voluntary residential services in caring homes, and in compulsory caring services in the homes. At the very apex of the pyramid are intensive programmes to overseas institutions which provide those services.

We only presently have about six children who qualify for that pyramid. If we do what we say we would like to do and we achieve the success at the base of the pyramid, there will be less and less people going up to that kind of institution. So why build one for \$15 million locally for six children? Then you are going to admit that you have no intention of succeeding at the lower level in the prevention. Your only interest is building a facility where you can say you built it and filled it up. Believe me, Murphy's Law will apply. If you give them 75-beds, in three years they are going to need 150 because they have somewhere to put them and then forget about them.

Madam Speaker, the Council's third recommendation was the establishment of a Juvenile's Committee. This recommendation was also made in the Youth Services Review and the establishment of a Youth Services Commission will be given serious attention in the implementation plan of the Youth Services.

The Council recommends all information on juvenile drug involvement be compiled. The Youth Services Review highlights our lack of reliable data and lack of research on social matters such as this one. This is not a problem that is peculiar to us. This is found in many developing and developed countries. The Portfolio is committed to establishing proper information systems in the Social Services Department and to strengthening the statistics arm of the public health section. The Health Survey I spoke of

recently, to be conducted in schools in April will be one necessary piece of this information.

I will, however, go further than the Advisory Council on the Misuse of Drugs (ACMD) because merely having the information or the identification of a problem means nothing. This Government is committed to the development of services to youth as identified by the Review and as they are thrown up by the Survey. We are acting on the need for that data base. We expect to have a paper brought to Finance Committee in the very near future for the necessary supplementary funds to computerise the Department and to bring in the people who know what kind of data to look for and put it in the computer so we will have access to it.

We also hope to force access by other agencies who need the information. For example, the courts, the schools, and the Medical Department. We would like to see that system of information structured in such a way that each of those arms of Government involved in the care of youth has access to the total information and each Department can add information but cannot delete any. Then the age old excuse about this department not knowing and that department not knowing will no longer be able to hold water. We will see how Members will vote when it comes to Finance Committee.

The Council recommends the continued development of a positive programme for the management of alcohol and drug detoxification cases in the George Town Hospital including further specific training for staff and the future allocation of beds in the new Hospital.

As I said earlier, in 1991, 11 patients underwent detoxification at the George Town Hospital. Workshops are conducted at the Hospital for health care staff in early detection, assessment and referral of substance abusers. The design of the new Hospital permits up to six beds to be used as detoxification beds or for any cases where isolation is needed. Remember, we, in my Portfolio, are treating the drug problem as an illness.

The psychiatrist at the Hospital, the social workers, and the drug counselling people were all involved in the design process as it related to their particular areas.

The Council recommends that Government consider further increases in the drug counselling capacity. The full complement of counsellors at the present time is three with two trainees. In addition, the appointment of an EAP counsellor is imminent. Programmes have been expanded to include in addition to individual counselling, group meetings five nights a week at the Counselling Centre, further expansion of services to the Prison and a halfway house is in the works.

The Portfolio does not accept that the halfway house project has been shelved. A building has been identified, the programme and staffing requirements developed, but budgetary constraints have affected the establishment of the two posts necessary to staff the halfway house. But I believe that it is the will of the Health Services Authority to provide these members of staff in the very near future.

Now, Madam Speaker, you heard the First Elected Member for West Bay saying that the Portfolio has done nothing to try to improve programmes in the districts. As early as 1989 I brought a proposal to Finance Committee to purchase a house in Bodden Town and the land around it, to use the house as a drop-in centre for that district. The house is right in the centre of the district. It is Mr. Levy's house adjacent to the District Clinic. It would have allowed access to the beach and expansion of the Medical Clinic there but it was vetoed in Finance Committee by the First Elected Member for Bodden Town at that time, who still is, and the Second Elected Member for Bodden Town at that time Mr. Franklin Smith and the First Elected Member for West Bay. I cannot blame the Backbenchers for that one because they were not Backbenchers at that time.

They are jumping up and down and are screaming and hollering about using the residential rehabilitation centre overseas. That was a recommendation of the Council. The Council supports Government's current policy to send those in need of residential rehabilitative treatment overseas and commends the establishment of out-patient treatment. It recommends that these programmes be continued and expanded. We have done that!

The decision as to who is in need of overseas residential treatment is not made by my Portfolio or this politician. It is made by the professional staff at the Counselling Centre using established criteria and a psychological assessment of the patient. They do not just pick up and send anybody who appears on their doorstep saying they are ready to kick the habit. The Government has refused no one the opportunity to get treatment abroad which the counsellors recommend. Despite this we know that only six people were sent abroad in 1991.

When we started off in 1988 and 1989 the only alternative at that time was to send people overseas. As we have expanded our capability and our capacity, we have been able to treat many of those people locally. Also a lot those whom we sent in the early stages did not get a lot of benefit from it. They went, they got off, they came back, they got back on, they went back, they got off, they came back, they went back on because we were not doing the kind of detailed assessment which we are now doing to determine that the person will benefit. We are having a better success rate.

This motion seeks to have the Government establish a local rehabilitation/residential drug centre. This type of programme would consist of intensive detoxification treatment for three to five weeks followed by up to two years of prescribed attendance at self-help or therapy groups. These programmes are based generally, on the 12-Step Model of Personal Change developed first by Alcoholics Anonymous and now adopted by Narcotics Anonymous.

There have been intensive evaluations of in-patient treatment programmes as compared to out-patient programmes. For example, an evaluation of alternative treatments for "offenders" in which persons were randomly assigned to four weeks of compulsory in-patient treatment or to compulsory out-patient treatment, failed to find any significant differences in outcomes for the two groups at the end of six months.

That research was not done by my Portfolio or the Counselling

Centre. That was done by Messrs. Stein, Newton and Bauman. They found that for the proposition that in-patient treatment modelled after the vast majority of such programmes in the United States, in public or private hospitals or treatment centres, has any beneficial effect beyond those of out-patient treatment.

By far the majority of our clientele here benefit from out-patient treatment. It is therefore, not better for the Government to spend its resources on out-patient services when scientific evidence shows there is not a large difference, no significant difference, between the two?

The weight of evidence from well controlled clinical trials is clear. Out-patient treatment and day care programmes for heterogenous groups of drug dependent patients produced an essential equivalent outcome to in-patient treatment at a substantially lower cost.

We are now doing the intensive detoxification at the Hospital. We can deal with the withdrawal behaviour patterns and with the medical complications of withdrawal at the Hospital so therefore, that reduces the need to send people overseas. It also reduces the need for this wonderful thing which everybody wants, called a drug rehabilitation centre where they are going to send people.

The Council recommends that Government and the private sector businesses develop and implement drug policies in the workplace. The Portfolio has supported the private sector through providing them with sample drug policies for discussion and I believe that several of our larger businesses have in fact, risen to the challenge and I know that at least three of these larger companies have begun referring staff to the Counselling Centre on a regular basis for counselling services. The Public Service, meaning the Government, has recently issued its own Draft Drug Policy for discussion.

The Council recommends that professional counselling be made available to inmates at Northward Prison on site. At present, there are two counselling groups at Northward Prison. I am not saying that these are sufficient or that we do not need more, however, when we can afford more counsellors, we will put more programmes in Northward Prison. The programmes presently there are not oversubscribed to. There are times when the counsellors go there and they have two people in the group.

The Council recommends that support be given to the High School and Education Department in the implementation of its drug policy. To the best of my knowledge, with the instigation and help of the PTA, the Cayman Islands High School Drug Policy was finalised last year. The Portfolio, through the school Health Services, provides help, advice and support to the school system.

The Council recommends that Government approve and implement, or allow to be implemented, a survey on juvenile drug involvement of all school children in the Cayman Islands using a reputable, validated instrument. I said earlier this is being done in April, 1992. I would say, however, that the Portfolio chose to use an instrument employed by the World Health Organisation which has been professionally adapted for use in Cayman and not the US instrument the Council had in mind when they made this recommendation.

If Members will recall this is a very politically sensitive issue. The last time such a survey was done there was much uproar in Parliament by Opposition Members to the Government about invading people's privacy and asking children to rat on their parents and things like that. It is an area which we need data on but has to be managed very carefully in order to get the kind of information which we need.

The Council commends CASA for its on-going commitment to the war on drugs and recommends that it continues to be given all possible support by both Government and the private sector. Government increased its contribution to CASA from \$10,000 in 1990 to \$35,000 in 1991 and 1992. The Portfolio has recently approved an additional \$10,000 for youth programmes under the Youth Programme which is funded by the Portfolio and it is committed to support "Choose To Be Drug Free Week" which CASA has taken on as an annual programme. The \$8,000 to \$10,000 which we have been asked for by CASA, once it is properly justified, will come to Finance Committee for the funds to be voted for "Choose To Be Drug Free Week".

The Drug Advisory Council commends the Chamber of Commerce. Government signed an agreement with the Chamber of Commerce to provide an EAP counsellor to develop this programme which will be beneficial to the whole community. This has been done.

The Council recommends that community groups that offer activities to youth increase their activities and if necessary consider the ways and means to hire the necessary staff. We have provided some of those organisations with funds to hire people to work in their organisations to run specific youth programmes. It will be further improved under the Youth Services Review.

The sixteenth recommendation of the Council is that the Pharmacy Law be revised. This was done in 1991.

Number 17, the Council recommends that the Pharmacy Board be reactivated and that adequate provision be made for the Chairman of the Board to implement and enforce the Law. That has all been done under the new Pharmacy Law. Prior to that the Pharmacy Board was under the Chief Medical Officer. Under the new Pharmacy Law the Chief Pharmacist at the Hospital is the Chairman of the Pharmacy Board and it will be activated.

Recommendation 18, the Council recommends that the extent and effects of alcohol misuse be studied. This is an important research project but this Government as yet has no research centre in place capable of carrying out such a study. They are not asking for the incidence of abuse, they are asking for the effects and that is a very scientific and long term research project. I would like to see it done whenever the resources become available.

I believe I have demonstrated that the recommendations of the ACMD together with the National Drug Strategy continues to be addressed and I reject any attempt by any Member to say that the Portfolio is not taking its responsibility in regard to drug abuse seriously.

The Compass on Friday, 20th September, 1991, carried a series of articles about what had happened to the 45 recommendations of the Advisory Council on the Misuse of Drugs.

Anybody who took the time to read that will see that most of the recommendations have been acted upon. They have either been implemented or are in the process of being implemented. But there is no use of a body like the ACMD producing reports every month. You have to give the various departments in Government the necessary time to deal with their implementations. Therefore that is why a biennial review is what happens in most jurisdictions. It is much more suitable to have an effective contribution to the management of drugs than an annual review would be. That is why the Drug Advisory Council decided not to do a report in 1991.

That Member talks about what he is going to do when he gets to be Member and he is going to change the Law but I still find it difficult and I am still waiting for the Third Elected Member for George Town to publicly state that he intends to make him part of his Executive Council.

The Portfolio is not lying dormant waiting for something magic to happen about the Drug Advisory Council. As everybody knows, the Drug Advisory Council now is buried in a section of the Misuse of Drugs Law. In his "Resolve" section here he is talking about making it a statutory body but that is already in the Law. My Portfolio would like to see a separate piece of legislation drafted which deals with the Drug Advisory Council and sets it up independent of the Misuse of Drugs Law and let the Misuse of Drugs Law remain squarely and entirely in the prerogative of the Attorney General's Chambers.

I have a letter from the Legal Draftsman dated 26th February, 1992, which gives us that new Law which we intend to put in place and everybody knows that you do not get these things drafted overnight.

On the Drug Advisory Council we have somebody who has accepted the Chairmanship of the Drug Advisory Council. She is to meet with my Principal Secretary hopefully sometime this week to review the people already on the Council and to determine whether she can work successfully with them or not, and to make recommendations for the three or four people who have resigned from the Drug Advisory Council because to their astonishment it was not an executive body and could not rule the Government. It was simply an advisory body.

The Drug Advisory Council has in fact served its function well and the Government has acted upon its recommendations. What more do they want? Is he going to set one up in his district? Well, they will not know what is going on then because there is district representations on the National Drug Advisory Council but he is confused. He does not know what an advisory board is from what an executive board is.

Now I said earlier that the Member's solution to the drug problem was a very simplistic approach and since he is advocating a residential drug rehabilitation facility as an integral part of this motion, my argument is we already have a drug rehabilitation facility. We do not have the residential component of that but we have a residential in-patient component at the Hospital which deals adequately with those people we can handle locally.

The Cayman Counselling Centre which is largely an out-patient facility, in 1991, as I said the Cayman Counselling Centre handled some 83 new clients. I think they are doing an excellent job and dozens of people in this country who have been helped can attest to the fact that they are doing an excellent job. For that Member to come here and chastise them and say that the Government has no commitment and the professionals are not doing anything is, as I said, unfortunate. They do not have a magic solution. They are working long hours with the resources they have and they are achieving some success. We should be congratulating them instead of ridiculing them.

I would just like to outline for the House what happens in the normal 20-day residential programme such as the one we send people to. This was prepared for me by a person who actually went to the centre and who has benefitted from attending the centre and who has benefitted from the Counselling Centre and when they heard the debate they brought this paper for me. This is their account.

"The first day or two, depending on how sick you are, is spent in the Medical Unit."

[Madam Speaker, I could add here that I personally have visited this Medical Unit that they went to and believe me it was like a casualty department of a hospital.]

"Here a person is given a physical assessment including all of the diagnostic testing.

During the first week a patient is given a complete physiological work-up and a psychological work-up by a trained psychologist, one to two sessions with a counsellor and a psychiatric evaluation if necessary.

The next three weeks are spent in lectures and groups. The day starts at 6:00 a.m. and continues until 9:00 p.m. Some time is spent in physical activity and in doing homework assignments.

I want to point out that groups are not larger than 10 and there is a trained counsellor available 24 hours per day. There is also 24-hour security and a chaplain is available at all times.

Even after all of this intensive work, in many cases, the patient is not able to return to his environment and is sent to a halfway house for 120 days. Here he is in a less restrictive situation than in the residential unit but counselling and lectures and still mandatory.

The professionals will tell you that an individual must want to kick the habit. Residential treatment

cannot be something imposed by the court like a sentence. The key to any drug rehabilitation is co-operation. No drug programme in the world can help people who do not want to be helped or who are not prepared to go through the pain of "detox" and the emotional pain of group and individual counselling.

We do not support our residential rehabilitation centre on the Island because studies have shown that results are not significantly different from a good out-patient programme and costs are significantly higher, besides which, not everybody can benefit from residential rehabilitation or the shock-treatment, so to speak.

The National Drug Strategy puts the emphasis on prevention through education, on free out-patient treatment through the Cayman Counselling Centre and support through a halfway house and the various support groups which take place in the evenings and subsidised residential treatment where necessary and appropriate."

So you see, Madam Speaker, this concept of a residential rehabilitation centre is not going to offer all of these magic solutions some Members believe it will.

My Portfolio realises that the Misuse of Drugs Law deals exhaustively with the criminal side of the misuse of drugs and as such we believe that as is, this Law should remain in the Attorney General's Chambers.

The National Drug Strategy has proposed and accepted as Government policy and deals with prevention through education, with treatment to provide rehabilitation, with drugs in the workplace and other problems in the working environment which may lead to drug abuse, and while it can be said that the National Drug Strategy is not 100 per cent effective, that it has not been implemented 100 per cent, and it can always be said that more could be done, but the hard, cold facts are that we have to work with the resources with which we are provided.

It is my contention and the Government's contention that the National Drug Strategy is working. The Government is doing much to try to combat the drug problem in the Island. We have not won the battle. The battle rages on. We are fighting.

This motion serves no other purpose than to waste the time of Parliament to discuss it because all that they have asked for is being done according to the resources of the country. If they have some resources they can provide of which I have no knowledge, then bring them forward.

Madam Speaker, I cannot support the motion before the House.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Madam Speaker, in my commentary on this motion I am going to be my usual brief self. I would like to make the following points.

It is true that drug usage has been on the increase, a startling increase because throughout my constituency and throughout the Island, Caymanians from all walks of life tell me that something more than what is currently being done, needs to be done concerning this serious plague. So that is the first point I wish to make.

The second point is that Government has not convincingly demonstrated that they are doing all that they can do to address this. While I would say that there is some truth to the fact that we cannot force people who do not want to be rehabilitated into rehabilitation, I say that there are efforts to be made in this direction. I categorically and unequivocally state without fear that what we need in this country is a rehabilitation centre here on the Island. And, this is a good time to clear up a half-truth and a misstatement made by the Member who just recently sat down.

It is true that we proposed a property in Bodden Town. The records will show that I proposed a second property in Bodden Town but the reason why one property, namely that belonging to Mr. Elwood Levy, was vetoed was because those people, the Government and that Member, wanted to give the man less than what his property was worth. I said that as the representative for Bodden Town and as the person who has to go back to that constituency and face this owner I could not, in all good conscience, allow the Government to pay him \$80,000 for a property which was valued at \$150,000. I will veto it again if that is not what his property is worth.

The Member did not say that. He should stop telling half-truths and get on with the business that he was entrusted to do.

There is no one in their right mind who can say that exporting our people to Minnesota and elsewhere is going to be a lasting solution to the problem. That is but a stop-gap venture. Do you know what I would like to find out is if there are any referral commissions in this whole export business? I say that we have to develop a system here where we can treat our patients on a long term basis, where we do not need to have them out of their environment for 30 days and then back into the same environment, where we can monitor them on a continuous basis. I am saying that has been the failing of the Government.

Thank you.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, the motion before the House seeks certain specific action on the part of the Government and I support the motion. It seeks to empower the courts to order drug users to work out at proper drug rehabilitation institutions. It also seeks to the Government to consider

providing such a centre.

We heard this morning the attitude of the Member towards rehabilitation. He said that there is no cure for drug users. A very negative and wrong attitude. It is a pity that when he inherited the Portfolio dealing with drugs that he also inherited his predecessor's negative attitudes as well because the attitude this Member has to this problem is the same attitude which has been carried out over the years.

I believe rehabilitation can be done. We know it can be done. Everywhere you look you can see people who have smoked cigarettes for 20 years and they no longer smoke. They will never smoke again. We see people who were alcoholics who no longer drink and some of them will never drink again. We see people who have used hard drugs who have been cured and some of them will no longer go back to their old habits.

Man is a creature of habit. We could not exist if this were not so. Every morning a man gets up and shaves the same side of his face first. He eats his breakfast in the same fashion, puts his keys in the same pocket out of habit. Life would be unbearable if we had to consider everything we had to do.

You get in an automobile, start it, drive it and apply the brakes when necessary. You never have to think about these things after doing them. They become habit. Ninety per cent of everything any person does is because of habit.

Unfortunately, we acquire some bad habits and these bad habits can be changed but they cannot be changed with the attitude of the Member responsible. They cannot be changed with the attitude of the present Government and I am including all the Members of the Elected Executive Council because what he is saying here and what he is doing and what he has done in his Portfolio could not be done on his own.

Like those who were present at the stoning of Stephen, they are all guilty. From the Member for Communications and Works right down to the Member for Tourism. They are all a part of it.

Rehabilitation cannot be done easily, but it can be done. It cannot be done unless the person wants it done and it cannot be done without positive attitudes on the part of those involved. As the last speaker said it cannot be done abroad where you send somebody, as the Member told us, he is going to use one bed for two or three people over the year. It is all nonsense.

Years ago when the Government decided to build a prison facility here it was the hope of the whole community that other services, including the correctional schools for juveniles, would be here. We would not continue to ship our problems abroad. But are they going to do anything about this juvenile rehabilitation centre? No.

If one looks at the Budget for 1992, which had been presented to this House in November last year, one will see that this Government has planned certain things for this year. They have planned other projects which they are going to do in 1993 and even some projects which they are going to do in 1994. But I am asking you to search the Budget and find the item which deals with juvenile rehabilitation centre and you will find that there is not a single penny in that item for 1992, 1993, or 1994. They have made up their minds, they have closed their minds, they have taken the decision and regardless of how many motions are brought to this House, regardless of how often then are told this is a good thing, they are not going to listen. No matter how many reports are done, the Member is not going to listen.

The report which he talks about, the Youth Services Review, clearly states on page 75 that there is little or no communication between him and anybody else. I quote from it the current status, page 75: "At the present time there is little communication and co-ordination between the Portfolio and the Department of Social Services. This lack of communication is counter-productive to the express aim of providing enhanced services to youth and the families of the Cayman Islands." This is where the trouble is. Executive Council does not listen. They do not care!

There is a cure or there is help for the drug problem but it will not be found by those who are not looking for it and that includes the Elected Members of the present Executive Council. If we look at page 69 of this same report we will find another revealing statement dealing with the current status. "With the exception of church-related activities and sports, there exists few outlets for the youth. An approach to this issue would be to use the existing Civic Centres in each of the districts as locations for youth activities. The advantage of this approach would be that the lack of transportation would not hinder youth from participating."

The First Elected Member for Bodden Town and I have cried ceaselessly to the Member for Education and the other Members of Executive Council for improvements at the Bodden Town Civic Centre so that this facility can be used for the youth because it is twice as easy to prevent these children from getting into trouble, from getting mixed up in drugs than it is to cure them after they have become involved. But they do not listen and they will not do anything if it does not get them a vote, if it does not specifically help one of their supporters. This attitude has ruined this country and that is why the Member comes here this morning and tries to belittle the statistics that his own Government has put out and which have shown that the situation is so bad.

Looking here at CASA log, we see that in 1989 total number of offences 433 climbed in 1990 and in 1991 they are up to 903, more than double. Convictions of males 225 in 1989, more than double in 1991; females 34 in 1989, 80 in 1991; dealers in cocaine and ganja almost double again from 60 to 119, one more would have been double and he tries to tell you it is because they have employed a few more policemen. That is nonsense! There is no substance in that argument because if he reads the Police Report he will find out that is not so. I refer him to page 17 which says: "The rise in the incidence of burglary is a disappointment

following on from successive reductions in the years 1989 and 1990."

If we look over on the other page we will see that burglaries are up to 546 from 398 in the previous year. Now these are burglaries reported to the Police. This has nothing to do with the number of policemen working. These are cases reported to the Police. If they only had one officer answering the telephone you would still have had that 546 cases reported. So what he is talking about is utterly unbelievable. No wonder this country is in this sad mess and swamped with crime when he puts that kind of interpretation to these dismal statistics.

If he looks at the crimes he will see that thefts are up to 409 and the amazing this is if you add the burglaries and the thefts together we get a figure of 955 crimes as against 903 crimes. In other words there is one burglary or theft for each drug crime. That is the relationship. If you go back over the years, I do not have time for that but I could trace the rise in burglaries and thefts to support the drug habit and he wants to let you believe it is only because they now have more efficient policemen. I applaud the Police but the fact is we have a serious increase in drug crimes and the Member must admit it because you will never solve any problem if you do not admit first that you have the problem.

When we see that the reported cases of ganja are three times what they were in 1989 and the cocaine offences are almost three times what they were in 1989, it is time to worry. This Member must cease trying to justify his lack of doing something.

This motion also asks for a look at the urine test. Let me make it clear that I support the use of the urine test. All the motion is asking for is that the Police do not abuse the test. If they find a person drunk or they find a person who appears to be under the influence of drugs, apply the test by all means but do not abuse it. That is all the motion is seeking.

The third part of the motion asks for the Drug Advisory Council to be revitalised and the Member has said that he will do that or is doing that.

Whatever the Government has been doing, it has been doing badly because the drug crimes continue to rise and they continue to rise in proportions that are abnormally high. One would expect that with an increase in population and with the possible lessening of the moral fabric that there would be some increase in crime. But we have a situation where it is galloping and the Member says the statistics are false. It is time to change the guard.

I believe that the root of this whole problem can only be helped by education starting from the very young, providing them with wholesome activity because that is the problem. It is a pity the Member has not read it because page 14 of this Report highlights the problem which we already knew about here on the Backbench and which we have talked about so many times. I quote from it: "All age groups indicated there was little to do in their respective areas. This included after school, evenings and weekends. Most children came home from school to empty houses and remained unsupervised until the dinner hour."

When we beg them to do something about fixing a playfield or something, they laugh at us and say, "We will starve you out, you will not get any votes in Bodden Town this election because we are going to fix this in 1993." It is a disgrace what they are doing to the youth of this country and I blame everyone of them because even if the Member responsible for drugs does not want to take action, he has three experienced colleagues with him who should take a hold of him and shake him and put some sense into him.

I am alarmed because the Throne Speech, and I will be coming to that in my debate, does not contain anything at all in it about what they are doing about the drug problem. The Throne Speech does not contain anything with the exception of dealing with the Prison. It says that drug counselling will be expanded at the Prison. Let me tell you it will not be difficult to expand that because what is there now is hardly existent at all. That is what the Throne Speech says they are going to expand drug counselling at the Prison and we hope they do but that is all that it says.

We heard him talking about this computerised system that he is going put in and how he is going to bring it to Finance Committee. Why is this not outlined in the Throne Speech or is this something he has just thought up a while ago when he was put under pressure from my good friend here from West Bay? Is it another case of Government by crisis? This country and its drug problems will continue to worsen under an administration which continues to sweep these problems under the carpet and to offer excuses instead of solutions.

I support the motion fully.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 3:45 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:10 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed. Debate continues on Private Member's Motion No. 1/92. The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. Madam Speaker, Private Member's Motion No. 1/92 Employment of Effective Governmental and Judicial Control of Drug Use and Rehabilitation of Offenders in the Cayman Islands.

This motion which is now before this House is a motion of great concern, I am sure, to every individual within the Cayman Islands and certainly to all Members of this Legislative Assembly. It is something which I have had great concern about long before entering the political arena. I, having



had a little experience in medicine in my younger days, realise the importance of a proper approach to rehabilitation and the effect of the illegal use of drugs and trafficking and what it is doing to our community not only in the Cayman Islands but worldwide.

I think we look at statistics here in the Cayman Islands and they are alarming. They give us great concern but we are simply keeping up with the rest of the world. The world situation is on the increase. As was mentioned earlier today, leaders of the nations of Central America, South America and the United States of America are now meeting in San Antonio, Texas, trying to work out some kind of control for the drug problem. As they attempt to close one door, apparently two others open. Therefore, the problem appears almost uncontrollable.

I am grateful that this motion is before the House. I think it has been fully aired. I think it has given an opportunity to both sides to give their views on it. One thing I would like to emphasise in the first "Resolve" section which reads: "BE IT THEREFORE RESOLVED THAT Government take immediate steps to empower the Courts to order drug users to a proper Drug Rehabilitation Institution rather than a term at Northward Prison;".

Madam Speaker, I have great concern for the young men and women of our nation who are incarcerated at Northward and the offenders who are going back there time after time. I think we have to be very cautious in ordering them to a rehabilitation centre because unless the individual truly wants to be helped there is no good in us putting him there because you truly have to have a desire. Drugs, alcohol, and hard drugs are even worse.

Immediately after the consumption of the hard drugs which are so popular today, you get brain damage and it is not easy to be rehabilitated. Therefore, we have to be careful that if we order a large number we could very soon have a miniature Northward established with major expense to our country and the individuals are just not able to be rehabilitated.

Therefore, I have talked with professionals here on this Island and professionals off of this Island concerning drug rehabilitation and they all agree that much can be accomplished by detoxification within the Cayman Islands on a small scale but there are some individuals who are so addicted to drugs that it would be useless to attempt to rehabilitate them within their own environment. We live in a very small environment and within a matter of minutes after they were released from this rehabilitation centre, they would be right back in the environment from which they became addicted.

Therefore, regardless of what institution we may have established on this Islands we will certainly still have to resort to sending some of the more serious ones seeking rehabilitation overseas. This rehabilitation problem is just like any other medical problem, the more serious will continue to have to be referred overseas for treatment.

Madam Speaker, I have listened very carefully today to all of the debate which has been put forward and last Thursday's when the motion was originally moved. I share most of the concerns but I want to make it completely clear that what I contend we need is a proper drug rehabilitation programme. I think the Member has the right approach in not building a centre of any major size at this time in order to avoid having to incarcerate individuals at Northward. I think we must evaluate our situation and attempt to rehabilitate each and every one who wants to be rehabilitated.

The Chief Justice has very clearly spoken out on this issue. I think we must leave more of the decision making as to what sentence is to be imposed in the hands of the learned Judge. I support the amendments which will be coming before the House later in this sitting which will give more authority and decision making to the Judge, reducing many of the mandatory sentences which are now imposed. I think this is going to be helpful. I have some concern as to the quantity but that we will debate when it comes before this Honourable House.

The local counselling I consider has been very helpful. I would like to speak for a moment or two if I may, on the problem which we have in Cayman Brac and to a very much smaller extent because of the population in Little Cayman. I heard reference made that the centre was only in George Town and not in outlying districts. Well at least the districts that are on the Island of Grand Cayman can get to it by automobile. For those who unfortunately have a problem and reside on Cayman Brac they have, at their own expense, to come to Grand Cayman for counselling. It certainly shows a genuine desire and I think maybe it is one way of determining if they seriously desire to be rehabilitated.

I would like to take this opportunity to ask the Honourable Member if when the staff of the Counselling Centre is up to its full complement, arrangements could not be made for a counsellor to be sent to Cayman Brac on a regular basis or when the need arises because we do have the problem in Cayman Brac, sad to say, and it is growing and not getting any better. For someone who has been incarcerated for six months or whatever the length of his term without a salary and then to have to pay \$78.96 plus accommodations in Grand Cayman to come to a short counselling session, it becomes a heavy financial burden. So I feel this is an area which needs to be looked after.

The whole thing is I think we as legislators must realise that for us not knowing exactly what is going on within the Portfolio, I have had many, many discussions with the Honourable Member about this and the Honourable Member before this one and I am certainly grateful for the strides which have been made since this Member took office. I congratulate him on the efforts he has made. I am not saying that with additional funds more could not be accomplished but certainly it is a good start.

Madam Speaker, I would again say that I am completely in support of a rehabilitation programme being established but the need for a rehabilitation centre, additional expenses creating another Northward, is not necessary at this time so with these words I cannot support the motion as presented.

**MADAM SPEAKER:**

The Honourable Second Official Member.

**HON. RICHARD W. GROUND:**

Madam Speaker, I rise to just say a few words on this topic because it obviously overlaps my area of responsibility. I do not want to get drawn into the question of what form rehabilitation should take but I should like to say to the House that there are two sides to the drug problem and what is to be done about it.

My job relates mainly to one of those sides. The two sides are enforcement and education. I think we have to catch the drug problem in a double whammy between those two efforts. My side belongs to enforcement as does that of the Police. To a certain extent it is the job of the Police to catch them and my office to prosecute them and send them on to whatever follows whether it be rehabilitation, prison, a fine, or whatever. Of course it is the Courts job to decide what is an appropriate course for a convicted offender.

Madam Speaker, I think it is important in approaching this issue, which is obviously one of great importance, not to let concern and obvious worry about the problem distort the real facts. I think the first step is to assess the situation. The Police Report which was laid on the Table this morning and which is being quoted from by several Members in the course of this debate, does, in my submission to the House, step back and take a very helpful and a very hard view of the problem. It does it not just through statistics but also through a narrative that should not be overlooked.

The statistics, when taken alone, are worrying because they show an increase of nearly 100 per cent in the number of drug offences which have been dealt with by the Police. There are two points to make on that of course. Not every offence represents an individual and we habitually will charge individuals with a sequence or a variety of offences to reflect the true nature of what it is that they are accused of. The other fact about the statistics is that they themselves do not necessarily mean an increase in the taking of drugs. One does not simply have to take that on trust. One can look at what the Police Commissioner tells us.

One Member, I think the Second Elected Member for Bodden Town, referred us to paragraph 3 on page 17 which deals with the saddening and distressing rise in the incidence of burglary, a rise in which I have some sympathy because I was burgled only a few weeks ago. But the paragraph before that, which he did not read, is the one which concerns the drug problem and I would just like to read that to the House now. Paragraph 2 on page 17, the Commissioner tells us:

"2 The number of prosecutions for drug offences has increased greatly over the previous year. As already stated earlier in the report, this increase is probably due to more effective action by uniformed officers consequent upon the training and encouragement they have received. I have no evidence to indicate an increased use of illicit drugs; equally I cannot point to any reduction in consumption. The problem is likely to be with us for some years and can only be eradicated by a meaningful and persistent education programme and parental control and example."

I would add to that continued persistence and vigilance by the Police in enforcing against drug offences.

In that paragraph the Commissioner did refer back to an earlier paragraph in his Report as he says, "As already stated earlier in this report," and it is worth also looking at what he does say earlier. It is on page 4 of the Report at paragraph 16 under the heading Crimes of Interest. There is says:

"16 The Drugs Awareness courses attended by all uniformed officers have achieved the objective of improving the capacity of the Uniform Branch to identify and deal with drug users."

And this is the important part:

"The marked increase in the number of charges preferred for drug offences is a consequence of the policy to better train uniformed officers in this aspect of police duty. A full breakdown of the various categories of drug offences can be found in the statistics contained in Appendix "G".

The moral from that of course is not to become complacent. They say the problem is under control but not also to give way to hysteria and say that it is still burgeoning out of control but to step back and to take a long and balanced view.

I would like to turn from that which is the first point that I wanted to make, and turn to the vexed question of urine tests which is alluded to in the recitals to the motion.

The recital in question is: "AND WHEREAS the Honourable Chief Justice has questioned the efficacy of sentences passed on persons for repeat drug consumption offences;". I am not quite sure to what the Member refers in that. I assume, and he can correct me if I am wrong, that he was thinking of the remarks which the Chief Justice made at the opening of the Grand Court at the beginning of this year, last month. I did not understand that the Chief Justice had gone so far as to direct his remarks to drug consumption offences. In other words, to the urine test.

Perhaps I might just trespass on the time of the House and say what it was the Chief Justice said. I am relying upon the newspaper report. He says: "There is reason to hope that the incident of major crime is relatively stable. The increase in less serious crime is largely attributable to cases involving the use of drugs." I think it is fair to say he does have in mind things like burglary as well there. "That is a

situation which must put in question the efficacy of the sentences passed in such cases.

This is not the time to debate the merits or demerits of the punishment meted out for drug offences, nevertheless, one cannot avoid questioning whether it is desirable to place such great emphasis on imprisonment as the appropriate punishment for drug offences, that even a fine cannot be imposed without a term of imprisonment as imprisonment has not, it seems, prevented the rise in the incident of drug abuse and has contributed to the overcrowding of the Prison. Perhaps the Legislature will consider amending the Laws that have so elevated imprisonment as the punishment for drug offences."

The point is that I think, if the Chief Justice will forgive me for seeking to interpret what he meant, I think that he was addressing the question to drug offences more generally and not just tying it down either to consumption or as some form of criticism of the use of the urine test as a weapon in the armoury of law enforcement officers, a weapon in the armoury against drug use.

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

**MADAM SPEAKER:**  
concluding shortly?

Honourable Member, it is now 4:30 p.m. would you be

**HON. RICHARD W. GROUND:**

No, Madam Speaker.

**MADAM SPEAKER:**

You will not?

**HON. RICHARD W. GROUND:**

No.

**MADAM SPEAKER:**

May we ask for the adjournment of the House then, please?

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**  
House until 10:00 a.m. tomorrow morning.

Madam Speaker, I move the adjournment of this Honourable

**MADAM SPEAKER:**

The question before the Honourable House is that it should now adjourn until 10:00 a.m. tomorrow morning. I shall put the question.

**QUESTION PUT: AGREED**

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.  
FRIDAY, 28TH FEBRUARY, 1992.**

**FRIDAY,  
28TH FEBRUARY, 1992  
10:07 A.M.**

**MADAM SPEAKER:**  
Aviation and Trade.

Prayers by the Honourable Elected Member for Tourism

**PRAYERS**

**HON. W. NORMAN BODDEN:**

Let us Pray.

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.

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

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 in the Legislative Assembly are resumed. Questions to Honourable Members. Question No. 52 the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 52:** Would the Honourable Member state what steps have been taken to investigate allegations at certain tourist related places (hotels and restaurants) regarding unfair distribution of already earned gratuities to employees?

**ANSWER:** Labour Inspectors are placing special emphasis on checking into the accountability for gratuities during inspections and suspected abusers are being closely scrutinised by the Labour Office.

The Director of Labour recently wrote to all establishments collecting gratuities expressing concern about continuing allegations of abuses with gratuities and setting a new requirement for each such establishment to submit a monthly report to the Labour Department showing the total amount of gratuities collected during the previous month and the manner in which those gratuities were distributed, by name and amount.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Supplementary, the Elected Member for East End.

**MR. JOHN B. McLEAN:**

resorts which have actually made such reports?

I wonder if the Member could tell us the names of the individual

**HON. W. NORMAN BODDEN:**

Madam Speaker, to the best of my knowledge the majority of hotels, condominiums and restaurants are making those reports. The letter that I referred to, which was a recent letter was dated February the 4th and I am sure that they would all comply with that otherwise the Director of Labour will follow-up on it.

**MADAM SPEAKER:**

The Elected Member for East End.

- MR. JOHN B. McLEAN:** Thank you, Madam Speaker.  
I wonder if the Member could say if this action covers all tourist related businesses all over these Islands?
- HON. W. NORMAN BODDEN:** Yes, Madam Speaker. There are a total of 144 hotels, restaurants and condominiums and this covers all properties which collect gratuities.
- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker.  
I wonder if the Member could say if the Director of Labour or through his staff has made any on-spot checks, rather than relying entirely on reports from the individual businesses?
- HON. W. NORMAN BODDEN:** There are on-spot checks that are carried out and in the routine checks which are made by inspectors, which are normally unannounced, the property being inspected is not advised beforehand. During their normal inspections they have a check list of several items which are covered in the report and on their inspection they establish whether all gratuities are distributed through an approved scheme in accordance with section 32 of the Labour Law. They also check whether all gratuities are distributed within three weeks of the end of the calendar month in which collected in accordance with section of the Law, and also establish whether records are kept of the receipt and the distribution of gratuities.
- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker.  
I wonder if the Member could tell us how many cases of this withholding of gratuities from individuals have been reported to the Labour Board?
- HON. W. NORMAN BODDEN:** I do not have the exact number. There have been several allegations made from time to time and the Director of Labour and his inspectors follow up on these allegations if he considers that there is some merit in furthering the investigation. To-date there has been one property on which allegations or reports have been made with the Director of Labour which he considers serious enough to take further and that case has been referred to the Legal Department for advice.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker.  
Could the Member say if he and the Department of Labour are aware that there are some tourist related businesses on the Island that definitely do not pay any gratuities whatsoever to those who earn them?
- HON. W. NORMAN BODDEN:** I am not aware, nor the Director of Labour to my knowledge, that any properties which collect gratuities are not paying them back. There is a recent case with one of the properties on Seven Mile Beach that has decided to discontinue the collection of gratuities and in order to compensate to some degree to the staff have increased the hourly rate of pay to their employees. This is a matter which the Director of Labour and myself have been dealing with and I would not consider it as settled yet. But it was a decision taken by the management of that particular property.
- MADAM SPEAKER:** First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Thank you, Madam Speaker.  
In regards to the Members comments on the property that has ceased collecting and is supposedly paying a better salary, can he say how far he has reached and what are the decisions in regards to the gratuities?
- HON. W. NORMAN BODDEN:** The matter is still being considered and discussed with the Labour Department. As I said, it has not been settled. A letter has been received from that particular property concerned and the Director of Labour is handling it with the property. I think within a short time we will be pursuing the discussion with this property to see if we can have the matter settled.  
However, I should make the point that while the collection and distribution of gratuities is a long standing policy of most tourism related properties in the Island, it is not mandatory under the Law. What the Law says is, if gratuities are collected then it sets out the conditions under which they should be distributed and to whom. So if a property takes a decision to discontinue the collection of gratuities, as I see it the Department of Labour's responsibility is to ensure that the Labour Law is carried out and also to protect the interest of the employees as far as possible.
- MADAM SPEAKER:** The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Thank you, Madam Speaker.

If a property decides to discontinue collecting, it would seem to be a matter for the Board or the Labour Department to ensure that they are paying a decent wage. Is this happening at that particular property which is the Villas of the Galleon?

**HON. W. NORMAN BODDEN:** Madam Speaker, I share the concern of the Member for West Bay asking the question. However, Government nor the Labour Department do not presently set the rates for labour. I think that much can be achieved through proper negotiation with the property concerned and the Department of Labour and this negotiation is continuing because we cannot force them to collect and distribute gratuities, neither can we force them to pay a decent salary as the Member has put it. I think this is most desirable and certainly the Portfolio and the Department of Labour will do everything within its power to protect the rights of the employees taking into consideration what provisions are made in the Law.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us what means of distribution of gratuities does the Labour Board encourage and is it really carried out the way that it is stipulated in the Law?

**HON. W. NORMAN BODDEN:** Madam Speaker, the Law does not provide a specific scheme of distribution. The Law says that if a property collects gratuities then it states very clearly that those should be distributed and to whom, and the time limit that is placed by which they should be distributed. It also goes on to provide some options whereby a scheme can be agreed on between the employer and employees and filed with the Director of Labour. That is the scheme that has been in place and has been working up to the present. I foresee certain changes there because if that is not satisfactory then the Director of Labour can develop a scheme or the Governor in Council can designate a specific scheme which would standardise all properties abiding by the scheme that has been in place.

Right now we have individual properties which have developed their own schemes and in the majority of properties this seems to be satisfactory. However, in view of allegations Government is giving consideration to developing a scheme and I think this is a matter which will be dealt with and debated thoroughly during one of the Private Member's Motions that will be brought up during this meeting.

**MADAM SPEAKER:** First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, I defer my question until my Private Member's Motion.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member confirm that he has given an undertaking to the House to have this matter properly gone into and that the necessary action to strengthen the Law perhaps or to assist the Labour Board in whatever way to enforce that properties distribute gratuities in the right way?

**HON. W. NORMAN BODDEN:** Madam Speaker, what I am saying is that Government is looking very favourably on, putting in place a scheme for the distribution of gratuities which all properties would have to abide by.

**MADAM SPEAKER:** That concludes Question Time for today. The next item, Debate on the Throne Speech, the Third Elected Member for George Town, continuing.

## **GOVERNMENT BUSINESS**

### **CONTINUATION OF THE DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR MR. ALAN J. SCOTT, CVO, CBE ON FRIDAY, 14TH FEBRUARY, 1992**

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. I completed the area of the Throne Speech when dealing with the Management Services Unit and I go on now to the Portfolio of Tourism Aviation and Trade.

Tourism is the backbone of the economy of the Cayman Islands and it is one that much attention must be paid to and it is important that we continue to monitor it fairly closely. The Honourable Member for Tourism has mentioned that the contribution of tourists arriving by air is some \$1,020, or thereabouts, compared to perhaps \$50 or \$60 per tourist arriving by sea or by cruise ship. This comparison is very important, not that either is less important than the other but from the point of view where we have to increase our efforts in bringing in tourists who contribute the most. The longer the stay, and the repeat stayers are obviously best for the country, and notwithstanding a decline that has arisen in the last year or two, I am now happy to see that there is an increase again in tourists arriving by air. Coupled with that is the fact that there are very large amounts of money that are spent in relation to advertising and this, I believe, is one area that could be looked at

very carefully to see whether it may be possible to reduce some of the cost.

The aim of the next Government, which should have been the aim of this Government, must be one of fiscal constraint. It must be one in which wherever possible savings should be made and wherever there are large sums being spent then they must be looked at very carefully to see if even small amounts could be cut from them. I know that the other side of the coin is that if you cut advertising you may well get a decrease in tourists and that naturally has to be weighed carefully. I am happy to see that the Member for Tourism has started on the preparation of a 10 year Tourism Development Plan. I commend him on that, I think that that is timely. It is very important and even more important afterwards that the Government pays attention to it and endeavors to carry out as much of it as is beneficial to the country.

I fully support the National Trust, the National Museum (I am a life member of the former) and it is very good to see what is being done to preserve historic sites and also to preserve that small part of history that still remains available in the Cayman Islands.

It is heartening to see that new navigational equipment is being introduced at the airport because it can never be stressed too much that the safety of jet aircraft and the safety of the airport is of the utmost importance. I know it has been said many times here but I repeat it, because it needs to be repeated. If ever there is any doubt in the minds of either the Director of Civil Aviation or the Member of Tourism that there is any short-cutting or any worry about safety in any area I believe whatever funds he wants, which is basically all that we can do here, he will get it. And I give him that assurance. When you are dealing with peoples lives money is really not much of a factor in the consideration of getting on with the job.

I believe that targeting the European and the far East markets for tourism is important because these visitors stay long and the longer the stay, the larger the contribution. I do not know how much it will cost for the extension of the runway and I see that a report is being done and at the appropriate time I am sure it will be looked at in depth and given the proper consideration at that time. It would, however, allow perhaps for larger jets out of Europe.

The Trade and Labour Department is extremely important. I was very surprised to see the increase in unemployment. I think this is perhaps the first in a very long time that we are finding genuine unemployment in the economy and it is important that this be properly addressed. In that respect I think the liaison between the Labour Department, the Caymanian Protection Board and the Planning Board, as well as the Public Service Commission has to be increased because these four Board are very important in ensuring that the economy has the necessary elasticity in taking up the slack when we have unemployment.

The Fire Services Department, is one that I have very high regard for, it is very efficient and highly Caymanianised and very properly run. I come to the last subject under the Member for Tourism and that is Cayman Airways. Here I would like him to look at what I have to say carefully and in the light of constructive questions or comments on Cayman Airways.

I fully support Cayman Airways and I would like to see it continue. I too, spent many years as a Director and I spent a lot of my professional time dedicated to Cayman Airways and to dealing with everything ranging from purchasing of jets through to routes, through to contractual relationships with other countries and the position it would hold in the market share. In preaching fiscal constraint to me, Cayman Airways is one that holds a lot of hope for seeing that large sums of Government's money can be spent on other matters, and that Cayman Airways can be brought under financial control within what the experts Cayman Airways employed gave their opinions on.

I turn now to the Report by SH&E (Simat, Helliesen and Eichner Incorporated). I ask the Member for Tourism when he replies to comment on these areas of the Report. I do believe that when we spend large amounts of money or any money of the public's on Reports we should pay a certain amount of attention to them.

My personal opinion, which I have held and stated here for some time, is that the remedy and the relief on the financial burden of Cayman Airways has to come from the fact of containing Cayman Airways within what is reasonable and necessary for the Cayman Islands and to avoid believing that Cayman Airways can continue to expand. Here I would like to read from page 12 of that Report in which it states:

"Adjusting for both growth and cost inflation would result in an annual subsidy level of between \$2.0 and \$2.6 million.

Another measure of subsidy is how much CAL needs to break-even. In financial year 1991, this was \$7.9 million. In financial year 1990, this was \$2.9 million. These numbers need to be adjusted to reflect the result of current market conditions and to weed out reasonably avoidable inefficiencies. SH&E estimates that this would result in an annual subsidy need of \$2 to \$3 M."

The experts believe therefore, that a reasonable subsidy to Cayman Airways is \$2 to \$3 million and I have no problem with a subsidy of that size. What, however, has to be weighed and looked at carefully between now and perhaps the not to distant future is really how much is justifiable that the Government of this country can afford to pay to Cayman Airways as a subsidy. Around that we have to look at other areas where there was a feeling by the experts that if Cayman Airways took certain courses of action that they could reduce their losses to where that subsidy would be sufficient. Here I read and ask the question to the Honourable Member as to his views on this portion of the Report as well and it reads at page 20:

"A three-aircraft rationalised fleet (including other SH&E/ASI recommendations) is a sensible option that should permit stabilisation of CAL. However, it will not capture the benefits of aircraft ownership

or feed and will leave CAL as a small entity without the support of an influential partner.

A four-aircraft rationalised operation may eventually make sense. However, it would probably result in increased losses and should not be attempted until the airline is stabilised."

I would welcome the Member's views on this in the light of the fact that the Board has taken a decision to move into a four-aircraft situation having regard to the experts saying that this will result in increased losses. There is one other area that I would like to read and it is at page 19 of the same Report. It gives different options for Cayman Airways and one of these it states is:

"A downsized survival mode involves elimination of one -400 with -200 and -300 aircraft while maintaining existing routes.

A four-aircraft fleet will permit expansion of tourism benefits, new routes (probably Chicago and Ft. Lauderdale), but will also result in increased losses.

[further down on that page it states]

The status quo is an unacceptable option. There is no reason why CAL has to lose as much money as it is. Therefore, this option should be discarded."

My question, and I ask that this be taken constructively because ultimately I believe we must come to grips with the \$7, or \$8 or \$9 million per annum losses that we are having at present, and must come within what is reasonable and even if there is some flexibility for some increase in subsidies beyond what the experts recommend, we still have to I think take a course of realising that the airline is not a large United States Airline and try to put it at what is the optimum reasonable size necessary for the Cayman Islands and I keep stressing that, necessary for the Cayman Islands.

It is perhaps unfortunate that many, many cuts have been made in relation to staff. I believe while those cuts may be justified the true problem lies in the multiple leasing of jets and the rapid expansion of the company and if the Board can come to grips with that area then I believe that they are well on their way to dealing with CAL's problems. Just one bit of advice, perhaps, and it not only relates to this but also relates to the heavy expenditure that is being proposed on the Hospital. I am not going to spend much time on the past but we do know that Cayman Airways has had its criticism throughout the years. What was very clear is that in the past the losses were contained to fairly small amounts at a time when the equity was being built up in the jets.

At a meeting on the 10th of August 1989, the Member for Communication and Works seriously criticised the position at that time and the move to go into the new jets when he said words to this effect, that since the 727s have been in operation, Cayman Airways suffered a total net loss, and I hope that the tape recorders will get this because I have written it here, I will be the first to correct it, as total net loss of \$11 million. That is what we are looking at and they are telling you that they should keep that place of liability on the Cayman Islands. As that Member mentioned, in the years 1983 to 1988 the net loss was \$11 million. Balanced against it was the fact that those jets had built equity to the extent that \$12.5 million cash was received by Cayman Airways and \$5 million went to the Cayman Islands Government, or an equity built of \$17.5 million.

Much was said then and one of the basis was that we had to pay \$6 million for a D-check and the Member for Communication and Works spent quite a bit of time on that. It is very interesting that now he is quite happy to approve our paying for the D-checks on the jets that we lease and that is done. In a way perhaps it should have been done for all jets in that a certain amount is put aside to pay for it. Why I think it is important that we do not let our sight go beyond the experts report is that basically we were laughed at at that time and actually were told words to the effect by the Member for Communication and Works in a laughing manner how can they understand intricate complicated financial matters? They are not trained in these matters and went on to do the usual thing about 'never people as blind as those who fail to see'.

What I am getting at now is I believe that this Government and especially the Member for Communication and Works, as a qualified accountant, has to look very carefully before he jumps again and states that the Hospital is going to pay for itself. He made a very serious mistake with Cayman Airways and I believe that if the time had been taken, and talking briefly on the Hospital, I will submit that he mentioned to me and assured the public that he has checked the figures, he is a qualified accountant. But we do not want to repeat the mistake of Cayman Airways, with the Hospital. If we get into losses that are very heavy, it is difficult to get out of them.

I would like to mention one other aspect. Cayman Airways has very good staff, they work hard under very difficult conditions. I believe that the Member for Tourism has put in a lot of long hours and spent a lot of time on Cayman Airways. More time than perhaps anyone other than Mr. Jim Bodden and I commend him and the staff for that. I come back now to what I believe, and I would value the Member for Tourism's comment on this. The major thrust in the future has to be keeping Cayman Airways reasonably small, with three aircraft of the type that he has recommended and actually accepted. These are the smaller aircraft; the -200s and perhaps one -300 for the New York route. He should be very careful unless he is absolutely sure, and relies on the experts' report to justify that he is doing the right thing, and that Cayman Airways has stabilised before expanding the fleet.

I do believe that the answer lies in prudent choosing and continuing of the proper equipment. I would like to mention one thing about the Guinness Peat Aviation (GPA)



settlement. It is now done, and what I am saying here has already been stated in the press, but I do not think that it was fair for the Government to reach a settlement in which the \$5.4 million will have to be paid by the new Government, and I do not think it was fair for the new Government to have to take back the two 737-400s, if GPA so chooses. The option they have is that if the market conditions are not favourable, then they can give back the aircraft for three years which is \$20 million of lease payments during the time that we would have them. Those aircraft are really the type that got Cayman Airways in trouble in the beginning.

I understand in settlements, and the Member for Tourism has stated this, that that was the best deal they could get. I am not criticising that aspect. I am saying that I think it is unfair for a new Government to be saddled with that \$5.4 million, the other guarantees which may have to be paid for Cayman Airways and by the looks of it probably a good amount of the Hospital debt as well. Having said that I am prepared to do anything I can. I am prepared, as I have said before, to work with the Member for Tourism in trying to solve the problems of Cayman Airways. Obviously they have legal contracts and legal leases that are not difficult to get out once they have been signed. Hopefully whatever settlements they do, rather than being an adjournment of the problem until later on for somebody else to deal with - as with GPA - we could get clean settlements or alternatively, since we are really not lease purchasing the jets, do what I think the Member perhaps in his intervention has done, and I think makes sense. Get the jets on three year periods or two year periods because the market is too volatile when you are dealing with pure leases.

If you are lease purchasing jets, that is different because you know you can wait out the period until the purchase and the money that you are putting in is being built in equity. I would strongly suggest that the policy which I think has arisen after the Member for Tourism has intervened, and tried to come to grips with, is this problem of the short-term, two or three years. It has got to be the answer because if things change at the end of that period, then at the end of the lease you can put in different aircraft. I repeat, I support Cayman Airways, I would like to see it continue and I always bear in mind however, my duty to the public as to how much and how far we should go in the expenditure to subsidise it. The Backbenchers have always supported (the Member knows this) the subsidies which he has requested.

I move on now to Education. Once again I hope that the Member for Education takes what I am saying as being constructive because it is meant to be that. I believe that having the public involved in the major decision making of the country is the only democratic way to go. However, sometimes you have politicians taking the course of going through the democratic process but failing to accept the advice of the public. That has its punishment ultimately at the polls.

The Member did put out the Education Plan and the Education Report, he did listen to public views, at the end of the day 63 recommendations which were put out, he claims the public wanted none changed. That is ludicrous! I would like to have seen, and I tried to get the Education Review put into a Select Committee where we could have taken and heard the statements of the teachers, parents and the public and there would have been proper records kept to evaluate. That would probably have resulted in some of the 63 recommendations being changed, so it was rejected. I guess it follows his principle which he has established that Executive Council must have its way, the public, I guess, Backbench can have its say. I do not believe in moving full speed ahead in radical and major change when it can be implemented in reasonable steps over a reasonable period of time to allow a proper assessment of the workings of it.

There were many controversial but extremely important matters in the Education Report and the Members Five Year Plan that in my view, should have been looked at in far greater depth. There was the Middle School, the total changing of the examination systems, not just Caribbean Examination Council but also exams at a lower level. Maybe there are areas of this where the Member is right and I should say many areas of the Report, I supported and so did other Members in this House. That is why I did not understand why it was this desperate attempt to totally obliterate the system as it now exists.

We had the benefit of speaking to the Caribbean Examination Council's panel and it was a qualified and impressive panel. No opportunity to speak was given to the other panels of experts who dealt with alternative exams. Not alternatives that I am putting up, but alternatives that the Member's senior staff who did the Report put up. This was where I fault the Member for Education and I must tell you that he is normally criticised about not moving quickly, but this is one time, that he has gotten into high gear in an effort to rapidly run this through and stick the next Government with it for better or worse and that once again, I comment, I do not think is fair. It is pure politics and it is not good for the country.

I would liked to have seen a phasing in of exams. Look at some Caribbean Examination Council Exams, look at some of the GCSE prior to phasing out. Look at some of the IGCSE and get a bit of experience as to the workings of these rather than moving in and totally and radically changing the system with the stroke of a pen. That must cause trauma and distress to the teachers and to the students. Whether the decision is right or wrong, only time will tell. The approach that has been taken, in my view, would not have been taken if the Member was not getting so near to elections and that I believe is where the question of politics has come in.

I think the time has come when the Member must officially recognise the International College of the Cayman Islands. It has been around a long time and I am not saying that he should not study it in depth, but there is every indication to me that, unlike its early days when it was starting up, ICCI has contributed to the country. It has produced some capable students, and it has matured and reached the stage where hopefully we will finally see the official recognition to it.

It seems to me that the Member is taking what used to be called an old Civil Service approach, in that he may feel that ICCI is a challenge to the Community College. I do not think that it is. I think they can coexist and I fully support the Community College side by side. I think they will both contribute to the country. I am one who has been fully foreseeing private schools continue and I am all for seeing the private colleges continue now. I do not think that there should be any monopoly in Government when you can

have competition from alternative institutions. Monopolies reduce or lower the standard of anything unless there are extremely tight controls by external factors and if Government runs the monopoly they cannot be the control to see that the standards are kept high.

In asking the Member questions on the cost of schooling a child or a teenager in the Middle School or the High School, I ask questions which implied that it must make good economic sense as well as being healthy for the society that instead of Government spending multiply millions on education, if it can get the same benefits by much smaller financial subsidies to private schools then that has got to be healthy because private schools provide the competitive edge that keeps the standard of education high.

There has been criticism and calling private schools 'elite schools'. That is nonsense in this day and age because out there in this society we have probably the most harmonious and mixed society that exists. It has got to be wrong for Government to try to dominate and totally monopolise the education system. This is why (and do not get me wrong) Government's share of education would never lessen that much. But if, for example, another 100 students at the rate of \$3,000 could be taken up by private schools, that is \$300,000 that the Government would save and the community would be in the same position. That is why with the fiscal constraint which I have tried to preach throughout, we have to look at alternative aspects and look at them logically and rationally. During the time that we had control of Finance Committee we doubled the grants, not only on things like sports, which I will come to a bit later, but also to private schools. Many of them are struggling to make ends meet but even looking at it from the economic point of view, they are relieving Government of a large financial burden.

I support many of the laudable efforts to preserve the environment and our natural resources. Perhaps as we get older we seem to appreciate this more and more and I have and I think I always will support the National Trust and many of its efforts. Only one word of caution, I should say on reading the News Star recently, was perhaps the rapid way with which the Member for Communication and Works acted in relation to the control of parrots. I am not faulting him for it but on reading that it seems that it is necessary to look at not only the preservation of certain natural resources but the impact on human beings, who, on the final analysis have the prior right to survival. What I understood from the article was that there really was not the worry about extinction of the Cayman Parrot as against the Cayman Brac Parrot. That seemed to have been the worry in the beginning and when the regulations were amended to protect it. Perhaps the Member would comment on that. It is something where I am sure it was brought to him and he dealt with as he saw fit. Now the after-views are that it was not perhaps as urgent.

The areas of culture and the foundations - Harquail Theatre and the theatre at Red Bay and matters such as Carifesta and the International Music Festival are good for the country. They are areas of culture that should be continued. I have been very impressed with the Museum and I know my two little children who have been there were very much impressed. I think a lot has been done with the National Museum, the displays have been good and the standard of operation, I think, is very good.

If I had to make any comment at all on it, it would be that I do not believe that the proper tribute, if I may call it that, or recognition has been paid to Mr. Jim Bodden and Mr. Ira Thompson. They were the two people who preserved what I would regard as 90 per cent of the major artifacts that that has. I think something permanent should be done. I know there have been 'thank yous' and what not on this, but I think something should be permanently done in recognition of that because if those artifacts during the Doucette period had been sold outside of the Island, and there was a market for them, then everything would have been lost so perhaps Mr. Ira Thompson and Mr. Jim Bodden should be remembered. If not, when the Government changes we can do something about it.

Mr. Jim also gave considerable very important documents to the National Archives. Many years of research went in to what he had and these were handed over to him and as a collector of coins, where I do some research myself, within the very little time-limits I have these days, I look forward to going to the National Archives to do research because I think that that is a very important stimulant and development of one's mind in this rapidly moving society of ours. I have also realised that efforts were made in the past to name the museum after, I think it was Mr. Ira Thompson, but naturally I guess it was not near enough to an election year so the Member for Education and Culture rejected it. People like Mr. Ira and Mr. Jim live on in the minds of people and that, I think, is perhaps a good justification.

The Public Library, I endeavoured to extend the Library services as best I could during my time. As a lawyer I know the value of books, my profession's tool is a good library of books of which I have several thousand in my own library, and I would like to see that extended. I would like to see it increase because the children of this day and age while they do have television, if they can become interested in reading books it is a good diversion away from it.

Sports perhaps is one of the major alternatives to the use of drugs in this country. If we can increase sports and we can have children's energy channelled in that direction then this has got to be one of the most important subjects that the Member for Education should be spending time on.

For those who will be entering the Olympics in Spain in 1992 and Pan American Games and the other regional games I wish them well because out of good athletes come good citizens. I would just like to reflect back on our effort to do what we could in relation to sports and here I am reading from the 20th of December 1989 Report of Finance Committee, in which we cut substantial sums out of the Master Ground Transportation Plan and some of the other areas where the money was going to be wasted. Under the sub-head of 023 for Sports \$214,000 was added in and we put in specifically bleachers for Bodden Town for East End, for North Side at \$18,000 and \$12,000; basketball court at West Bay for \$15,000; a park in George Town \$50,000; Breakers Playing Field \$25,000; a boxing hall design and commencement \$20,000; Wesleyan hardcourt \$10,000; tennis court fencing, swimming pool and flood lights at the Brac \$10,000; West Bay Softball Complex \$36,000.

Unfortunately a lot of these were never done. George Town did not get its park because even though we had in Finance Committee the power to pass this, what the Government did, I am not saying spitefully but intentionally they did not utilise the funds that we had put in and I guess it got vired and used on something else.

We also (and this was moved by the First Elected Member for West Bay) increased Sports Grants by \$75,000. That did go through from what I can remember and Support Grants by a further \$10,000. Again we tried but failed to get increased grants in these areas. Once again in the Budget the following year a motion dated 6th of December 1990, there was \$20,000 put in for the hard courts; \$20,000 for the West Bay Primary; \$52,900 for the park development in West Bay; \$10,000 for cricket pitch; East End Play Field \$50,000; Bodden Town Play Field \$50,000; the Annex Play Field \$15,000. That failed to go through because Government used the money in other areas. At least the people of Cayman know that we have tried to do everything we could to increase sports, to increase the grants, to increase the facilities.

I would now like to turn to briefly deal with the Medical Health Services because this will be coming up in another motion where I will deal with it in considerable depth. I believe that we must have good medical facilities, good health services, and that it is important that the proper equipment be there. What I do not believe in is wasting the public's money to build concrete monuments for the Member for Health.

I went to a meeting jointly with the Member and if ever there has been one clear and loud representation to a Member of Executive Council, it was the public and the senior staff at the Hospital (and everyone as a whole), saying 'do not build this large (what he calls a \$16 million) Hospital,' which is probably going to end up being \$24 million. Try to increase the services. If you need an extra 30 rooms, add another 30 rooms on where the present Hospital is. Maybe spend \$4 or \$6 million but do not get into this division of the site that is going to cost a lot more to run because of duplication of staff, and equipment. But he moves on blindly, moving straight ahead with what he sees as the main part of his Portfolio - that Hospital. He is not trying where necessary to assist or increase the staff; trying to produce a Trauma Unit or Centre; not trying to increase the diagnostic side at the Hospital so that you can have a rapid diagnosis and if it cannot be treated here they can be moved off. That \$16 million is in effect going to add 30 more beds among other things to the present situation.

Enormous sums of money have been spent on consultants. In fact, money that was spent off the Island actually represents (not just his but all of Government's together) some \$10 million or \$11 million that has gone abroad at a time when Government is saying buy locally, use local services. We have at this stage. . . and as he actually has implied from time to time, he is going out and he is going to start this Hospital and probably legally bind the Government to carry it on before he leaves. What I am saying now is general and there is no implication to the Member or any Member of this House.

There is a phrase which has been kicked around these days - that the Hospital and other projects are "user-friendly." I submit that some of these projects are also "commission-friendly." We have situations where we are spending large amounts of money which could be halved or quartered or whatever, while the really important part (and I am glad that the Member for Health brought this out when he was debating rehabilitation centres) is that it is not just bricks and mortar, I think was the definition, it is really the service which is going to be provided there along with what the necessary equipment is.

On Youth Services, I will deal with this under the motion and not get into it here in any depth, no more than to say that the biggest problem, and the problem which the expert that the Member for Health employed has said, is communication between him and his staff. He did not need an expert to tell him that. That is so obvious. The communication is obvious between Members of Executive Council, he and his staff in Health and in Social Services and unless there can be proper communication, all of this money which is being spent, is being spent in vain.

In fact, on the Education Report exactly the same thing was said. The Member is failing to properly and fully communicate with his staff. When things do not run then we hear excuses about what they are doing. What I would say on this is if what is being done by Government is so right, then why are they not getting results? Why do we have continuing behavioural problems among juveniles and increased court cases? They claim that they are doing everything right. If it is so, why can they not produce the right results?

I would like now to go on to deal with the question of another area of the Constitution.

**MADAM SPEAKER:**  
suspended for 15 minutes.

Would you like to take the suspension? The House will be

**AT 11:26 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:47 A.M.**

**MADAM SPEAKER:**  
continuing the debate.

Please be seated. The Third Elected Member for George Town

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I would like to turn now to a different aspect of the Constitution from what I dealt with earlier, the question of what form of Government the new Constitution, if any, should provide. I want at the beginning to lay aside the implications and the statements that were made by Members who spoke earlier, specifically the Second Elected Member for Cayman Brac when there seems to have been an implication that the remaining six of us Backbenchers were for no change at all. We

submitted a dissenting statement which sometimes I refer to as a Minority Report. It dealt with four major areas in which we differed from the Majority Report of the four Elected Members and, among others, the two Members for Cayman Brac. In that statement we said:

"1. We remain committed to the recommendation made by a majority of Members of the Select Committee and presented to the Constitutional Commissioners on 10th of January, 1991, as "Recommendations and Changes to the Cayman Islands (Constitution) Order, 1972, to the United Kingdom Constitutional Commissioners". In this recommendation the Members decided:

**"Ministerial Form of Government".**

The Committee wishes to see a **"Gradual moving** into a ministerial system of Government, and considers it prudent to make provisions in the Constitution."

[Reading on from the Minority Report of the five Backbenchers.]

2. We feel that it is sufficient that the Members become Ministers with administrative responsibility for the departments under their Portfolios. Section 9(1) of the Constitution should include the words "including responsibility for the administration of any department of Government" similar to that provided in the Turks & Caicos Islands Constitution Section 12(1) and British Virgin Islands Constitution Section 18(1).

3. We believe that the provisions for a Chief Minister could be put in a new Constitution but only brought into effect upon a resolution of the Legislative Assembly after a General Election in which the new Constitution is an issue and when there are established political parties."

When we hear references to misinformation and this sort of thing, what we recommended was what I submit all of the Members at the beginning in the first report recommended, which was a gradual moving into the Ministerial Form of Government. It was only at a later stage when the Constitutional Commissioners dangled the Chief Minister's job in front of the eyes of those who recommended it, did we find a radical change in their views.

The Member for Tourism was the Chairman of that meeting and a substantial part of what I have said when I refer to the Elected Members of Government - I do not know what his views on many areas of this are so I am not necessarily referring to him, even though he was in that first report agreed about a gradual moving into Ministerial system as far as I can remember. What was clearly brought out by Mr. Casey Gill and Mr. Orren Merren (lawyers) at a Chamber of Commerce meeting when they spoke on the Constitution was that there are steps which a country normally takes before it reaches a certain stage. Mr. Gill dealt with these in a lot of detail and I will only deal with the aspect of it which we see as the next step.

Here, I am reading from a text on the question of constitutions in the West Indies:

"The quasi-Ministers become full Ministers with administrative authority over their departments composing the majority of the membership of the Executive Council they decide upon policies and proposed legislation, the assistance and the advice of the Governor and principal officials who still sit in Executive Council. This stage may not yet amount to full responsible government in that the Ministers may owe their positions in part to the votes of Official Members and nominated Members of the Legislature in that their chosen individually and lack Cabinet solidarity and although removable by Legislative action usually two-thirds absolute majority, they are not bound to resign as a Government by vote of no confidence."

I submit that that is the next logical step and it is the step that we have recommended in this. The next step is regarded as the seventh and says:

"This differs from the previous stage in the approximation to Cabinet Government provided by the creation of the office of Chief Minister or Premier chosen from the Elected Membership of the Legislature by the Governor in much the same way as a British Prime Minister is chosen by the Sovereign. The other Ministers are then chosen by the Chief Minister. This stage is practical and workable only when political parties are well enough developed to enable either one party or a firm coalition Government to be formed. At this stage the Governor and other Officials who still sit in Executive Council will tend more and more to become Advisory Members rather than to dominate decision making. Effective responsible Government may exist at this stage because the Ministers as a group, must be able to control policy in the Legislature or they will have no alternative but to resign."

The method that the Backbenchers who signed the Minority Report suggested is that we take one step at a time. The movement would be on to that of Ministerial responsibility, the Members of Exco would become Ministers and it is then possible at that stage to appoint a Leader of Government Business. At that stage you begin to put in place what is necessary for later looking at complete Chief Ministerial responsibility and Government. It is not correct to say that we are not supporting some change. I think

my view and the view of the Minority Report, is that we take one step at a time. We digest it and then we move on if the public at a General Election and after consultation with newly Elected Members wish to go that route.

Let me say here, Madam Speaker, that I think the biggest victory of our remaining six Backbenchers has been that the Foreign and Commonwealth Office has endorsed one of the four major differences we had with the Majority Report. The FCO through the Governor, I should say, has also endorsed it. I would like to point out that when the questions of all of these different matters arose, all of us had to naturally deal with them and I made my comments on Chief Minister, Chief Minister's powers and everything else, as did other Members. It would have been naive of me to have said nothing in relation to those and at a later stage maybe to find that what I had said could have contributed to seeing that we have a constitution that is stable and sensible.

From my point of view, the most distinct and striking objection to taking the two steps at a time, that is both Ministerial responsibility and the Chief Minister is the fact that when that decision is made, there is no turning back and it has to be good common sense to move slowly and to move cautiously. We have to remember that the Majority Report, the Elected Government and the two Cayman Brac and Little Cayman Members, held the view that a Chief Minister with full powers is what the country needs.

In this, I would like to outline that the Chief Minister under what they recommended has the absolute right to hire, fire and discipline his Ministers and Parliamentary Secretaries. He directs the assigning of Portfolios of his Ministers, and I will deal with that later to show the danger and a bit of devilishness that was put in in relation to the position of Financial Secretary by the majority. Further, the Governor must consult him on appointments to posts of Head of Departments and above, including the post of Attorney General and Magistrates.

We have to remember Magistrates in this country have the power to sentence people up in the area of 15 years or more, mainly under the Drugs Law, and the Chief Minister has to be consulted on the early dissolution of the Legislature and thus on new elections. What is very important, I think, is the fact that the majority of people who came before the Select Committee were of the view that they did not want a Chief Minister with unlimited powers or the large amount of powers I should say, which he had under the Majority Report. At page 12 of the Majority Report, paragraph 28, I quote: "28. Most representations were content with changing Elected Members of Executive Council to Ministers, but many felt that the present process of election of Executive Councillors should remain; as opposed to the Governor naming Ministers on the advice of the Chief Minister.

That is the Majority Report. That is why we held a Select Committee to get the views of what people wanted but the statement here that I have read was rejected by those who did the Majority Report, it was accepted by us who did the Minority Report. What we are doing is exactly what the majority of representation said and I think this is extremely significant because if we sit in a Select Committee, we must take cognizance of what people are saying or it makes stupidity of the democratic process. The majority of people were afraid of a Chief Minister with unlimited powers. The wide powers that the one man would wield and we know, Madam Speaker, when you have the right to hire and fire at will, it is a lot of power.

What was recommended there by us Backbenchers in the Minority Report, is, in my view, in accordance with what the people of this country wish. Let me say this, Madam Speaker, we will go to the polls and now we know that notwithstanding what anyone in this House may feel, the public is going to have an input and the newly Elected Members are going to be consulted. Then whatever constitution we get, I am prepared to work under because it is a constitution that the people through the proper democratic process will provide.

What I am not prepared to accept is a constitution that is put together by this Legislative Assembly and forced on the next Government regardless of what the people wish. It is as I was debating earlier. The view of this Government seems to be that it is going to do everything it can to ensure that the next Government has the hardest time - and if possible fails. By so doing it is actually spending money and committing the repayments 10, 15 months or two years down the line and this cannot be right. To take that approach is in my view bad Government, the same as it would be to try to lumber the new MLAs with a very advanced political system if the majority of them, in accordance with the views of the people of the country, did not want it.

I got some criticism because I said that too much power in the hands of a Chief Minister with those wide powers could result in corruption and I stand by my statement because what has to be understood is that the Constitution is a Law. It has to provide for the good and the bad. There would be no laws if everyone was good, the laws are made to ensure that people do not break them, therefore, it is dealing with people who are not necessarily the best for the position. If there is a good Chief Minister in place, things may well work all right without a party system but the Constitution has to provide for a bad Chief Minister, someone who would abuse those powers, someone who would be prepared to take percentages and that is why laws are passed; to keep the bad from affecting and enforcing bad on society.

The safety checks have got to be in place before this country can be saddled with a Chief Minister with the absolute powers. If the power to appoint Members to Executive Council or Ministers remains and if the power to remove remains with this House, I say there is safety in numbers. Let that be the stage until this country reaches a sufficiently mature stage with political parties and the other checks and balances to deal with one man who has absolute power. In any event, what is all the rush? The only rush I see is for some Members who signed this Majority Report to become Chief Minister. It is not going to help the country, it is a personal hunger, I would say to become the sole power wielding person in the country. I have always believed that we should take one step at a time. I believe that we have to digest that step, the movement to the Ministerial system is a major change because no longer will the Executive Council or then the Ministers be just dealing with policy, they are going to be dealing with administrative matters. Their work will be increased

substantially and more than that, the Civil Service has to get used to a change of the system. If suddenly you have Ministerial responsibility in and the Minister able to direct civil servants and you also have the Chief Minister with the right to say who should be hired, which means if you want to hire somebody in place of another Principal Secretary or Head, you have to get rid of him or slip him sideways. It has to be a traumatic problem for the country and I say, let the country adjust to the first step before we look at taking the second step.

I have written several letters on this and my views at that time, as I believe now, are the views of the people of this country. One thing I am absolutely sure about is that the Minority Report's views on this subject are very clearly what the majority who came before that Select Committee ask for. In fact, let me just show how there was an effort to actually stop us putting in a Minority Report. This perhaps is nearly unbelievable in a democracy. At the meeting of 16th October, 1991, on page 2 I read:

"Honourable Ezzard Miller opposed the Dissenting Statements because, he noted, that it was clearly understood at the beginning of the Committee's deliberations that every attempt would be made to reach a consensus of a majority and that those views would be respected. He was of the opinion that individual Members should not now take a political stand on the Report of the majority."

That is right in this society under the Standing Orders, first to put in a Minority Report and it really must have been a shock to know that the Governor and the FCO have at least agreed with one of the four things in there.

I would like to touch on another main related area. And while on the subject of Ministers and Executive Council Members in my view the six remaining Backbenchers are experienced, they have shown good qualities and I am of the view that any of us Members are just as capable or more capable of filling any of the seats in Executive Council as those Members there are. I will have no hesitation when the appropriate time comes for voting for any of them, including to make it specific, the First Elected Member for West Bay and the First Elected Member for Bodden Town. We have worked together as a team. This is what is so important, Madam Speaker. If this Government had of worked together as a team they could have achieved a lot but everyone has gone in different directions. We discuss matters and we have to give and take. I am not saying we agreed on everything pertaining to the Constitution or everything else, I had to change my position on some subjects but I am man enough to do that to ensure that in the interest of the country it moves ahead.

The good quality that we have had, despite the fact that we are from a diverse political background, is that we have been able to sit down around a table, and discuss matters and nobody out of the remaining six of us is going to get angry, walk out or shout at the other one. I would like to later deal with one aspect of some allegations, but we respect each others views and everyone in life has different qualities and different areas of specialty. I, as a lawyer, do not know many other areas which other Members have a specialty in, so for this Government to go forward, for us to get fiscal constraint, for us to get an easing down on spending, for us to find new ways to raise revenue, we can only do it together.

Now this does not mean, as was alleged by the Second Elected Member for Cayman Brac, that we are not prepared to go to the public. Anything that is major must go to the public. This is the public's right, we are their representatives but it has got to be bad for a country to wash your dirty linen in public. This is, I think, where the balance of us have stayed together, not withstanding the fact that at times we do not all agree. We cannot all agree. We have fought for the good of the public.

As I started to say earlier, the six of us will be supporting other candidates in other districts with a view to not only producing written aims and policies - manifesto, but also with a view to going in there in a united way between ourselves to try to pull the Government, pull this country back to where we are standing on two firm feet financially, socially and politically. I hope that any imputations around this area have now been put to rest because I have always tried to be forthright and speak in such a way that I do not have the press or anyone else coming back or stating things that I may not have said or being confused.

One other area that relates closely here is of our major objection to the political interference with the Civil Service. I must say I need to explain that naturally a Minority Report cannot deal with everything. There are some areas for example, the Bill of Rights, Referendum, this sort of thing in the Majority Report which I agree with. But the major areas that we differed, we set out in the Dissenting Statement and this is what a Dissenting Statement, I think, is for. In this we said:

"The Chief Minister and Leader of the Opposition should NOT be consulted on appointments to the public Service Commission.

The INDEPENDENCE OF THE CIVIL SERVICE from political interference is fundamental to a stable Civil service and stable Cayman Islands.

We feel that there should be no consultation of the Chief Minister in relation to Principal Secretaries or Heads of Department until a much later stage when the new Constitution (if any) is working well and the Cayman Islands have adjusted and stabilised to it.

We feel that the Judicial, Legal and police Departments should remain fully independent and free from political interference as at present and that the Chief Minister should not be consulted for any appointments to these Departments.

THE COMMISSIONERS' RECOMMENDATION IS DANGEROUS AND LUDICROUS AND WILL

UNDERMINE THE INDEPENDENCE OF THE WHOLE SYSTEM OF JUSTICE.

BERMUDA, which has the most advanced Caribbean Constitution and has full internal self Government excludes consultation of the Chief Minister on appointments to the Offices of:

"Attorney General, Commissioner of Police, Deputy Commissioner of Police, Auditor: and "The Office of Magistrate, Member of any other civil court subordinate to the Supreme Court and registrar of the Supreme Court or the Court of Appeal and of such other officers of the civil courts of Bermuda who are required to possess legal qualifications as the Legislature may by law prescribe.". (Bermuda Constitution Sections 83 and 89).

The TURKS & CAICOS Constitution (Section 59) also excludes the Chief Secretary and Financial Secretary among most of those excluded from Bermuda.

We strongly recommend that the views of the Select Committee and the Constitutional Commissioners not be followed by the Foreign and Commonwealth Office in any constitutional amendments which are the subject of this Dissenting Statement."

Madam Speaker, I believe that if we move to a stage overnight in which the civil servants of this country had to feel that their positions depended on the whims and fancies of a Chief Minister, with fairly absolute powers, that you would see a serious instability and disintegration of this country, not just the Civil Service.

What would happen is, in would dance the Chief Minister after four years and he would decide that Principal Secretary has been the Principal Secretary for one of the Members that has just left, why should I trust him? And he cannot say you must remove him, but he would say, I would like to have the appointment of another Principal Secretary or another Head of Department. So you would begin to lose the continuity of the Civil Service which has been the stabilising factor of this country. Governments can come and go but the Civil Service goes on forever and therein lies the continuity and the stability of this country. What is most ludicrous is to have a Chief Minister who has the right to have a say on the appointment of Magistrates, a Commissioner of Police, Financial Secretary, Chief Secretary or Attorney General. To me, we must take this thing one step at a time.

The other area that I would like to touch on was the last area in our Report and that was the Minority Report's statement on the composition and quorum of Executive Council. This is what we said:

"We recommend that the Financial Secretary be named as the Official Member of Executive Council and not "The Minister responsible for Finance" and that he be the Chairman of Finance Committee. Our reason for this is that an Official Member as Financial Secretary responsible for the Cayman Islands finances provides stability, continuity and confidence in the public and the private sector and financial sector of the Cayman Islands and is one of the checks and balances against rampant spending for political reasons which may occur by an Elected Minister."

There is no way, by just looking at the Majority Report, that it is obvious what actually happened and which is borne out in the Minutes. The Constitutional Commissioners when they recommended a Chief Ministerial system realised that you have to state that Finance must remain with the Financial Secretary because under the system the Chief Minister decides who gets what Portfolios and that is not an excluded Portfolio.

I specifically said to the Committee, how can you have a Financial Secretary sitting in the Legislature and have the Prime Minister or the Minister for Finance in charge of Finance? It is totally illogical, yet they pressed this through. It cannot be seen from looking at the Report but that section was removed from the Report in the very late stage. In my view, the net result was going to be that when you have the system in place, the Chief Minister naturally, always takes Finance or has a Deputy who is the Minister for Finance. They take that Portfolio and you are going to have three Official Members sitting in here and one of them with no responsibility at all. It just was not even logical, much less the fact that I object to it.

This is why I think it is important that when this gets into an election issue these things have to be clearly spelled out to the public. My view remains that Finance must remain with the Financial Secretary because we have seen the rampant spending that this country has done in the last two or three years and if it was not for having us Backbenchers trying to hold the reins, along with an Official Member, the Financial Secretary giving proper advice to them, I do not know where this country would be. It probably would have the Master Ground Transportation Plan and we would owe \$100 million by the time we finish, it may well be up to that by the time this Government finishes, I do not know.

The situation remains that and I do not see, I really do not see the Foreign and Commonwealth Office putting the appointments of the Civil Service and the Judiciary and the Police under an Elected Member in one quick jump. It cannot be right nor can I see them in the early stages taking and trying to put an Elected Member in there to run the finances.

I would like to briefly deal with a few comments that I think need clarification that were made by the Second Elected Member for Cayman Brac and I have the benefit of the Hansard at this stage. There were references in here that he and the other Members of the Majority Report were saying is that there would be a delay after the Elections of the coming into effect of the Constitution. He read specifically the

paragraph that was put in saying that it would come into effect immediately after the Election and he said this:

"I want to state that it is my understanding and belief that the United Kingdom Government will be giving an up-graded constitution to the people of the Cayman Islands and that it will come into effect at least by the day of swearing in when the new House is being formed. There are two points on this. The Foreign and Commonwealth Office through the Governor made it very clear. We are not going to get a constitution that the people do not want. They are not going to force the constitution down our throats and that is made clear in the statement but secondly, what has been recommended is that it come into effect immediately after the General Elections."

He mentioned that he thought it was wishful thinking to hope for a peaceful election. All I can say, Madam Speaker, is that the Second Elected Member for Cayman Brac has definitely started a bit of a heated up House in here. Reference was made, presumably to us, about having appointed at least four Chief Ministers. My comment on that is there are three Elected Members of Executive Council, I understand the Member for Tourism may not necessarily be running, so I exclude him. I am sorry, I take that back. I exclude him anyhow, whether or not he is running and he obviously may. But I would say that the Member for Health, the Member for Communication and Works and the Member for Education, leaving out the Member for Tourism, and the Second Elected Member for Cayman Brac, they were the people who recommended the Chief Minister and if he can count four Chief Ministers, I suggest they are his four.

#### POINT OF ORDER

**MR. GILBERT A. McLEAN:**

On a Point of Order, Madam Speaker. I think the Third Elected Member for George Town is misinforming the House in that any recommendations contained in the Report of the Select Committee was the recommendations of a majority consensus and not of any minority group, as he is attempting to say should supercede the majority.

**MADAM SPEAKER:**

Please continue, Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

I am not saying that and I will put the Member's mind at rest. I am not saying they are the people who did it. I am just saying he said that and I will read it that: "He gathers from certain persons even now in this House have determined the outcome of the Election and have appointed at least four Chief Ministers." I am just saying the four of them, among others, recommended a Chief Minister and therefore I am throwing the four of them as being the more likely ones for Chief Ministership.

I am happy that he read from section 34 of the Report which was the recommendation of the Foreign and Commonwealth Office and which was stated by the majority of Elected Members that: "The remainder of the new Constitution be brought into force immediately after the General Election." He went on to say: "To me, Madam Speaker, this seems very, very clear indeed." I am glad that he understands it very clearly because so do I. That is all I have in relation to that part.

Very briefly the other part that I would like to turn to is the latter part of the Second Elected Member for Cayman Brac and Little Cayman's speech in which there was reference in it to the fact of what some of the causes of why he left us may have been. In it there was a reference in which he said that when he raised certain issues that it appeared that some of us there were ready to eat him. I can assure you that the public sees how calm I am, I do not get ruffled. Quite frankly, the size I am I cannot eat very much anyhow, looking at it in a more comical way. If there was any aggressiveness, believe me it was not on our part because we are still sitting down as six people around a table, happily moving on, trying to solve the country's problems. We did have a period of three or four months where we tried to deal with this problem and the problem that he caused was one that we spent a lot of time trying to work out solutions to. We were not able to do as much publicly as we should have done, I will admit that. However, that is behind us now and we can get on with dealing with the country's business and move forward.

I will give him this and the other Members of this House as well, I am going to conduct a clean campaign. I always have in my own quiet way. I wish no ill will to anyone, however, I am the sort of person that I will take a lot but when I get my back pushed against the wall I have the ability to defend myself and basically that is what I have had to do here from time to time.

One other area that was mentioned or the main area of the problem was the question of the appointment of a Chairman that day in October when the Member walked out. We did have a Chairman, it was in the form of the Third Elected Member for West Bay who I accepted, so there was a Chairman at that meeting. Someone kept notes, I do not remember who, so I think it should be clear that the problem goes a lot deeper than just having simple matters such as who was Chairman of the meeting or who was to keep Minutes or whether we should hold a meeting some place.

I am not going to go any further into and I can say that I am very comfortable with and I fully support the remaining six Backbenchers and I look forward to having a clean Election and to continuing that and hopefully Gods willing making a new Government, in due course, to try to lead this country back to a stable position and to raise the standard of living of my people. I am going to move very quickly over a couple of areas that I have remaining. I must say I had not intended to have to spend so much time on matters such as the Constitution and these things. But since they are raised and they are so important that they should be properly dealt with.

The Lands and Survey Department is very important and I would hope that they get the support that is necessary for completing the computerisation of their records. Similarly with



Planning and I would only mention one bit of caution in relation to producing or changing the Development Plan without going through the proper process. I think if the Department and the Portfolio wish to test a Development Plan, such as the one in Little Cayman, or alter something in Grand Cayman, they should go through the proper process. They should have people having the right to state their views on it and once it has cleared the proper process, then I think is the stage that the Portfolio should say, 'That is all right, we are not going to implement it right now, give it another 18 months to work.' I think that process that is required under the Law should be followed.

In relation to the Communication and Works Portfolio, I will be setting out in my own manifesto a lot of what I would like to see done in George Town but it is obvious that the Portfolio has not come to grips with the overall problem on the Island regarding traffic, congestion of traffic and especially with repairing of roads.

We had suggested two years ago that perhaps what could be tried was a third lane on the West Bay Road. I am mainly looking at George Town now, also a road that would have moved in from perhaps the old agricultural grounds into the back of the schools. There is very bad congestion at the schools and this would allow children to be dropped off at the rear of schools. None of this has come to pass, it would have eased the congestion from the Eastern Districts as well.

Perhaps the most urgent thing is that the Member has to get on with repairing the roads. When we last looked at them, jointly with himself and the Member for Tourism, Public Works estimated that it would take \$3 to \$4 million to repair the roads in George Town, fixing shoulders and upgrading roads. That probably is higher at this stage. On the 6th of December, 1990, we put in \$500,000 for the maintenance of roads, which was probably the largest increase that there was and which was rejected. In December 1989, \$180,000 was put in and rejected by them. This money should have been taken and used to repair the roads rather than building a few hundred feet of very expensive road.

Areas such as the upkeep of the cemetery, most of us have loved ones in different ones of these, has been going well but I would comment that the George Town Cemetery, I think, is in need of painting and it is kept clean, but I think perhaps in the near future that should be looked at in relation to painting.

I look forward to continuing to work with all Members in this Honourable House. Whenever matters come before the House that are in the interest of our people I will support them. We have done that in the past regardless of who brings it. At times it is not at the same time unfortunately when we think of things that would help the country. I believe that at least Members within the House have an overall good intention of advancing the country. We do have adversarial politics which is one of the makings of a democracy and by looking at both sides of matters that is the best way the public can see both sides and it is the best way to have a final decision which is in the overall interest of the country.

I did not deal with drugs here because it will be arising under another motion, but only to say that I regard it, and it was only mentioned one place unfortunately in the Throne Speech as the single most important and difficult problem this country has to face. Those of us with children and family here, I think together with the private sector and Government have to put our efforts together to deal with this.

I will be conducting, as usual, a clean campaign. I will defend myself when I have to and I look forward quite frankly to the next few months to dealing with issues and going to the public with many of the things that have been raised here. Most of all, when the new Legislature is returned to this House after the next elections we will hopefully see ourselves forming the Government. Regardless of who is on Executive Council or if they are Ministers, between themselves we will see pulling together and the overall Assembly will be working towards improving the quality of life, seeing that religion and freedom of speech are protected and seeing that the Islands economy is put back on its feet and most of all, that Government has to show considerable restrictions and constraints in spending to try to get the country fully back on its feet.

Thank you.

**MADAM SPEAKER:**

The House will suspend until 2:15 P.M.

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

**HOUSE RESUMED AT 2:19 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed, debate continues on the Throne Speech. The Honourable Member for Health and Social Services.

**HON. D. EZZARD MILLER:**

Madam Speaker, I would like to congratulate His Excellency the Governor on his able delivery of the Throne Speech. My contribution to this debate will be concerned with the areas for which the Governor has given me responsibility under the Constitution with one exception and that evolves around the proposed changes to the Cayman Islands Constitution Order, 1972.

You see, I believe that each Member of Executive Council is charged with individual responsibility and that Member brings the policies and the recommendations to Executive Council be they on Health, Tourism, Communications and Works, Education, the Civil Service, the Legal Affairs or the Financial or Budgetary matters of Government. The other Members of Executive Council support/reject the recommendations made by the individual Portfolios and a consensus is arrived at and then we are bound by collective responsibility. I make that point because consistently Members of the Backbench in particular, like to have the freedom to separate Elected Members of Government and blame them for areas for which they are not charged with responsibility when it suits them not to have to criticise the Official side of Government.

A good example of that is the Budgetary process. They tend to place the responsibility for the economy, the finances of Government solely on the Elected Members of Executive Council. I accept all blame and the very little praise that I get for the areas for which I am charged with individually. I also accept the blame or praise which I deserve for collective responsibility but it is not correct to separate conveniently, as they have on many occasions, and say that areas for which the Elected Members do not have responsibility under the Constitution, they are the sole persons to be blamed for it.

Allow me to deal first with what has become the most topical issue in this debate and that is the Constitution because it is quite obvious that Members are using the Throne Speech to debate what should have been debated in October last year. My position on changes to the Constitution have been made crystal clear to the public. I support the advancement, the Ministerial form of Government, I support a Chief Minister who appoints the other Ministers to Government, and I support any other changes that are necessary to bring that about.

I do not support any reduction whatsoever in the present Reserve Powers of the Governor and I have said that from the floor of this Assembly many times. I have said it in many meetings at the constituent level and I will rise or fall on what I stand for. I am not known for changing my mind on the whims and fancies of popularity. I would like to endorse many of the statements expressed by the Second Elected Member for Cayman Brac on the Constitution matter. In many respects he articulated the correct procedure and interpretation of the process that has gone forward. He also identified those evil and sinister forces which operate within our society, who, for their own incremental economic or political gain would have us remain with the status quo, than I could ever hope to say it.

It would do any citizen of this country good to read the Minutes and the Report of that Constitution because I guess hindsight is always 20/20. It is unfortunate, I believe, that the Minutes reflect majority consensus, rather than individual votes on matters. In many instances, those people who put in the dissenting statement made up the majority to form consensus against what the majority report finally contained and they choose to back out the back-door with this dissenting statement.

The Third Elected Member for George Town quoted one little statement from the Minutes that I made and tried to put it across that I was trying to stifle democracy and I should never attempt to question anything in any committee that he asked for whether it be a dissenting report or otherwise. Madam Speaker, I would just like to refer to the Standing Orders and what it says about the process of reports because he would have the public believe and we have to understand that that good gentleman is a professional lawyer and I respect that but his training and his duty to his clients as a lawyer is to put across their side of the story in the best possible light to the jury in order to win the case. Not necessarily the whole truth, the facts or anything else. His training is to put across their side of the argument in the best possible light and he is good at that. But, Madam Speaker, that is a tall order he has undertaken to present their side to the people of this country as a jury with a hope of winning.

I welcome him to the fray because they keep telling you they are going to take my seat; they are going to take this Government out of office and they are confident they can do it. They might succeed, but I can promise them they are welcome to campaign against me in my constituent at any time because I promise them it is not going to be any cake-walk. They can get my seat, I will acknowledge they have won it, but they should not be counting their chickens before they hatch. I believe my stewardship to my constituency has been good.

Under Standing Order 72(4) which deals with reports from Select Committees, subsection (h) and this is the Standing Orders under which this House operates. It says:

"(h) a Member of a select committee dissenting from the report of a majority of that Committee may by its leave put in a concise written statement of his reasons for such dissent, and such statement shall be appended to the report."

Madam Speaker, 'Members' there is considered plural. If it is more than one, they still have to seek the permission of the Committee to file a dissenting report. That is what the Member was doing when I objected to it and I have the same democratic right to object to him filing a dissenting report when he has been a part of every single decision taken by majority. I stand by what I said in that Minute that the only reason they are backing out is for their own political expediency. Interestingly enough you see section (f) of that same Standing Order says the following. "The report of every select committee shall be signed by the Chairman and Members thereof."

Now, Madam Speaker, let us look at who signed the Report of the Committee and interestingly enough, the people who signed the Report of the Committee were the following and I quote: Honourable W. Norman Bodden, Chairman; Honourable Benson O. Ebanks; myself; Honourable Linford Pierson; Captain Mabry S. Kirkconnell; Mr. Gilbert A. McLean; Mr. Roy Bodden.

The other people were not members of this Committee. What are they trying to tell the public? Because the Standing Orders says if they are members of the Committee they should have signed the Report. Now, Madam Speaker, because their Dissenting Statement is an integral part of the Report that they refused to sign and the Standing Orders is clear.

The signatures on the Report, are they now claiming they were not members of the Committee? Because that is what the Standing Orders require. You will hear later on probably as the Election gets hotter, that is probably why they did not sign the Report. If you go through the Minutes, you will see that they were involved in all of the discussions and all of the decisions and you had all kinds of combinations. You heard that Member telling us awhile ago that the majority wanted to create a Minister of Finance and wanted to have the Finance Minister in the Elected Portfolio and we wanted to appoint judges and we wanted to appoint

police. Nothing can be further from the truth.

The truth of the matter is that they were the ones who wanted the Official membership reduced from three to two. The present action taken by the FCO, they objected to bringing back the Chief Secretary, shows what the Government position on that post is. That whole thing as politically motivated and time will tell the real reasons why.

The process by which the final recommendations from the Select Committee were made to the Secretary of State included a process and a long drawn out process of getting public input. The Select Committee met, made its recommendations, the United Kingdom Government sent out the commissioners who went to great lengths to seek out public input, made themselves available for public input, assessed what the country wanted, made their recommendations, the Select Committee met to discuss those recommendations and the Select Committee gave lots of opportunity for the public to come into that Select Committee to make their position known. Some people took advantage of it, some people did not. Madam Speaker, like the old saying goes, we can bring the horse to the bucket, but we cannot make him drink the water.

The Third Elected Member for George Town's role in this whole process has been to confuse because he believes that as long as he can confuse the public about what is happening in the process, nothing will happen. He first started off by stating that they had to have two elections, we were going to elect a Government first and then we were going to decide whether the Constitution could be brought in or not. If the Constitution was brought in which had more Members you are going to have a second election to get those Members and appoint the Chief Minister, etcetera, etcetera.

The majority position has been the same all along. He keeps twisting and turning the sequence of events as to public participation in an election. Madam Speaker, the Majority Report makes it quite clear. The section of the Constitution that deals with increased membership will be brought in prior to the 1992 Election. That has already basically been done with the Order in Council being laid. The Draft Constitution will be a document that can be discussed in an Election. The majority Members of this Parliament support the changes recommended. We will campaign on those changes.

The Third Elected Member for George Town wants no changes or to back us up a little further. Then he must campaign on what changes or no changes that he wants. If he is lucky enough to get with him a Government, because those six Members he claims he is bringing in with him do not support the few little changes he wants. The person that has been most desirous of Parliamentary Secretaries in this Government and country has been the First Elected Member for West Bay. That is part of what brought the split up of our group because we could not legally appoint him a Parliamentary Secretary. Now he is signing a Minority Report against it.

If he gets the majority of the Government, he will stop the Constitution from coming into effect but that battle still has to be won. He claims he can keep them together but I doubt if he is going to be able to convince them that they only need the small amount of changes and my understanding of the constitutional process from the Commissioners was that there is no middle ground we can take from now to Ministers. We either become Ministers, or we stay as we are. There is no quasi ministerial position that the Constitution can take. We took that in 1972 because the people of the day did not want to make that step. I do not believe that the Third Elected Member for George Town has stated in any public meeting forum his position on the Constitution. I have read his very carefully worded letters that appear in the press from time to time that always leave that legal bail-out position when the time comes as to what he really intends or wants to do.

Madam Speaker, while they give many reasons for the slow down of the economy in the Cayman Islands, the least of the causes for the slow down of the economy in this Island is not their constant agitation and misinformation about projects like the Hospital that is being built in the Everglades, and they lost two bull-dozers in the swamp, that all this kind of stuff that has contributed to a decline in the economy. Remember they started in September 1989, when they tried to pull their first coup when they asked the Government to step down gracefully. They have never given up the attack since. We need to make some changes to the Constitution in order to give the democratically elected Government of this country more political authority over the functioning of the country than it has now so that they will be able to represent the people more effectively in doing the job for which they are elected.

A way has to be found to overcome passive resistance in the Civil Service when it comes to implementation of a policy or the policies of the political directorate. This I believe will at least be partially done by the change and the advancement to a Ministerial form of Government because it will give the Ministers some administrative authority over the staff with which they have to work. That is becoming increasingly more important in this country. The political directorate cannot continue to simply be the bridesmaids in the running of this country.

If some Members do not feel that we need to give the people's representatives more say in the administration of this country, they are entitled to that view because I will be advocating that the political directorate be given more authority and I will also be advocating during the election year that the people reject those Members who do not feel that the political directorate needs to have more authority in this country.

There has been some talk, and the Minutes will reflect this, that the Third Elected Member for George Town feels that no advancement in the Constitution can operate correctly without political parties, in particular, that of a Ministerial form of Government and a Chief Minister. I do not necessarily subscribe that you have to have formalised political parties to form a Government but we have had a form of political parties in this country for a long time. While there has been no great philosophical difference in the two major groups, we have one or two that have been named recently, but as far as I know they are still one Member organisations and still inviting people to the party and worrying about who is going to be the leader with one Member.

Over the last 10 to 15 years there have basically been two groups known by various names over the time. The two most popular names have been Unity and Dignity. The major difference between those two groups of people is what I call their modus operandi. The Dignity team has been the kind of people who relate more to a planning process and long-term planning for the country and any investors or individuals must fit within those plans in order to achieve the best possible gain for the administration of the country. Whereas, the Unity team has been more of a Government with ultimate discretion and the discretion varies with what their supporters or investors feel is necessary at the time and they allow it according to their discretion rather than take a planned approach.

I am not passing judgement on either side as to which is more correct because I think both methods have their good points and their bad points. I have been a member of the Dignity team all along and I will remain one because that conforms with my style of living and my style of management. That style of management is reflected in the activities of my Portfolio over the last three years. We have tried to develop long-term plans to solve the problems that the country faces in all areas within my Portfolio.

To deal with the areas of my responsibility let me start with the Department of Social Services. When I went into the Portfolio I had great expectations for this Department, and my Portfolio tried to introduce policies which could deal with some of the problem areas without much success of having the policies implemented. We tried to reorganise the Caring Homes after it was reviewed locally. We tried to put in place various housing policies for the poor in joint cooperation with the Housing Development Corporation and to my regret we have only been able to deal with the problems in a kind of a crisis type situation.

We have tried at the Portfolio level to provide the resources to deal with these problems and they are quickly consumed in reacting to problems as opposed to being successful in motivating the Department to be pro-active and to act before the problems arise.

I still hold out great hope for this Department and thus the purpose of the latest action by the Portfolio the Youth Services Review. Members have no doubt seen the various attempts to deal with this in the media before it can ever get started. The action which needs to be taken to correct this is not within my authority or responsibility to do so. It is entirely up to those who have the necessary authority to do something about it because the people who I represent are suffering. I have done all that is within my power and authority to do, to do something about it. However, I have to work with the resources with which I am provided to try and provide the best possible service to the public and that is what I have endeavoured to do and that is what I will continue to do at the Portfolio level to the best of my ability and that of my staff.

Proposals currently in hand to restructure the Social Services Department in accordance with the Management Services Review and the Youth Services Review await action by the top Civil Service to correct them. I think when those Reviews are implemented the Department will be in a better position to pro-act to the problems faced by this community. I will continue to endeavour to do whatever I can to solve the problems faced in that area by the country.

The Youth Services reviews has been recently completed which provided an in-depth review of the services provided to youth both by the Government and the voluntary sector of the community in this country and the Portfolio had hoped to Table that report and its implementation plan during this meeting but I regret that that will not be possible. We are in the process of recruiting a coordinator of Youth Services who will work with the recently established broad based committee from the community to develop an implementation plan to be Tabled in June.

Quite recently there was an article in the press which referred to statements made by the Justices of Peace and their committee and what action they intended to take in the Juvenile Court. They passed a resolution that they would not be sending anyone overseas to correctional institutions or for treatment but it had to be developed locally. That is very unfortunate because it will never be economical in this country to provide the kind of services that that small sector of the population need in order to return them to productive members of our society.

Economics aside, why would we want to insist at a greater cost to provide a lessor service to our troubled youth? They seem to be quite happy if my Portfolio would rent a house somewhere in the Island, or build a prison for juveniles that they could be confined to with no hope. The resources do not exist locally and the resources are not interested in coming to the Cayman Islands to deal with that small element of population where they will have basically no touch with the rest of the world and be able to keep growing in their profession. The only people who will come here to provide that kind of services are going to be those that are below mediocrity.

Here we have an opportunity at lessor cost to select the best possible programmes available, not selected by me as a politician, but selected by the technical people involved in the process and provide some help for our children. We are told that they are worried about cultural mix. Madam Speaker, these children are growing up in probably the most culturally mixed society in the world. But I believe and all of the professional advice I have been given says it is best to go that route and I will soldier on because we need to help the children to become productive members of our society.

This business of putting children in the girls home and when they get 18 we have done nothing for them and we want another house to put them in after that? We must put the programmes in place to help the children and return them to their families. The fact that we can boast that four people that we predicted when they went into the girls home 10 years ago were going to commit murder and that they did it, that is a total failure of the system. Nothing to boast about! We have to provide the best possible service to the troubled youth at the best economic means. That does not exist locally. It was only last year that I managed to get them back from Jamaica. What happened to cultural shock there? Certainly I do not think we can boast of any successes in that environment. But, Madam Speaker, you invite them, the same people who passed these resolutions, to presentations by the institutions you are considering and they do not come. What is the Government

supposed to do?

To move on to another area of my responsibility the Health Services. Some major changes were initiated in 1991. The Health Services Authority Law was passed in June 1991 to begin operation January 1, 1992. The Health Services Authority started to operate in January 1992, the Board Members and Members of staff have been working long hard hours to contribute to its implementation and successful operation. Much work has been done, much work remains to be done.

The computerisation is progressing well. We have our personnel records, the financial systems and some of the patient registration is complete and hopefully next week we will be able to issue patients with plastic embossed cards which not only carries their patient number but also their patient account number.

The Personnel sub-committee has been working with the Director of Personnel in developing a Personnel Manual based on Central Governments General Orders, the Public Service Commission Regulations but with some needed modernisation. For example: equality of the sexes, we have introduced five days paternity leave and other areas that bring about equality of the sexes.

Legislation set up the Health Authority and as we know the Health management all over the world is in a lot of turmoil at present. Many nations are looking for solutions for the management of their health care systems and the Pan American Health Organisation have taken copies of our Health Services Authority and hopes that that can also provide some solutions in neighboring countries.

We have made some minor structural changes to the out-patient department quite recently which I believe will go a long way to speeding up the system. The long wait at the Pharmacy the Board has just taken the necessary decisions and within a short while that should be reduced to a reasonable time of about five to 10 minutes.

The new Hospital, and the need for a new Hospital, has been one of the more topical items for criticism in my Portfolio by all and sundry but always for their own peculiar reasons. I think I can say without fear of successful contradiction that no project ever undertaken by any Government in this country has gone through a more detailed planning process, has allowed the people who will work this institution a greater opportunity to assist in the planning and designing of the institution or reviewed in detail by any agent in Government that can be named.

The need for additional beds, that is additional capacity for this country cannot be denied. The need for additional capability in terms of diagnostic and treating capability cannot be denied except by those that swear they will never go to this Hospital. They have the economic means to get on the plane and go to Miami for a buck toe but life sometimes has some strange turns. One of those persons who had taken that position for a very long time recently had an unfortunate sickness and had to go to that Hospital and was pleasantly surprised and entirely satisfied with the service and the treatment that they got.

The professionals at the Hospital have to work under some very difficult conditions. There are many opinions as to what is the best possible way of increasing the number of beds and increasing the capability of the Hospital. The advice that I have been given is that the most economical way to provide those additional beds, to provide the increased capability in a meaningful way is to build a complete new institution on a separate site. Could anyone go to that compound and show me or the technical people that I deal with how we can expand the lab facility to cater to the things that we need to cater to or how we can expand Casualty and how we could add additional beds or stop the planes from waking up all the patients at 12 o'clock at night or 1 o'clock in the morning?

There is an old gentleman in Bodden Town who told me, when they had the unfortunate aircraft accident, that had the plane been landing in the other direction we might not have needed the ambulance, because it could have well ended up in the back of the Hospital and the doctors and nurses could have simply walked out and treated the people. Any improvements to health care the fact that the direct approach path of aircraft to Owen Roberts Airport on runway 08 or on the departure path from runway 26 has to be taken into consideration. That was fine 10 years ago when we had one flight three times a week. We have an average of two flights that arrive every night now after 7 or 8 o'clock at night and they are often delayed and that is one of the things that has to be considered when one is considering expanding the capacity and the capability of our Hospital.

The great concern of many people after they fought us on every issue and they finally saw the design and that the finished design is a reasonable product, the new attack has been that we need to put it off. We need to wait five or six years. We need to prove that the Hospital Authority can succeed. We are talking about the health of the nation. It truly amazes me when members of the public agree to putting in a sewer system on Seven Mile Beach by a newly created Water Authority for that area, when the public can agree with expansion of the water programme, public can agree with the rehabilitation programme of the airport, some influential members of the public would even have us build a cruise ship dock or extend the runway prior to building a new Hospital. All of these projects were good projects. All of these projects were needed, but none of them should ever be considered anymore important than ones health and ones ability to have access to treatment when one needs it.

In some circles \$16 million for a new hospital might seem like a lot of money, but in reality \$16 million for a new hospital is not a lot of money. The total expansion programme of the Water Authority to Pease Bay will be the same \$16 million. Rehabilitation project to Owen Roberts Airport is half that amount. None of these projects should have been put off for the Hospital but neither should the Hospital be put off because we have implemented those projects because the cost is only going to increase.

The public has received the most recent attempt by the Cayman Islands Medical and Dental Society and its President to derail the project. I will say nothing further on that at this time. The Health Services Authority Board will deal with that critique in its own way. We have made many

improvements to the Health Services Authority, to health care in this country, many are left to be made. The public is free to judge who is interested in the health of the nation or their own pocket book.

To move to another subject under my responsibility, Environmental Health. Here again, the Portfolio and the Department has attempted and produced a long term plan to deal with solid waste management in the country. We expect to construct the first proper sanitary land-fill with the necessary liners, drainage, berms etcetera, to make it an environmentally sound land-fill in Little Cayman within the next two or three months. Money is also in the budget to construct a similar land-fill facility in Cayman Brac this year. In Grand Cayman we have before the Planning Authority an application for approval in principle to expand the land-fill at the present site. We have put in the Budget the necessary funds to purchase the equipment needed to extend the life of the present site and the plans have been presented to the Planning Authority by the Chief Environmental Health Officer and the consultants Post Buckley Schuh & Jernigan, Inc. quite recently.

It is going to be an expensive undertaking but the country has to find an environmentally safe way to deal with garbage and the Plan takes a multi-faceted approach. We will introduce incineration to reduce volume, we will reduce recycling where possible and we will stick with land-filling what is left. We will compost all of the material that can be composted and hope to provide it for the local market as it is presently being imported. The problem of the disposal of garbage will continue to grow and it is the Portfolio and the Departments position that the Plan being put forward will allow us to deal with the increasing volumes, the increasing complexity on the present site for the next 25 years.

Another area of my responsibility is the Housing Development Cooperation (HDC). The HDC under the able Chairmanship of Mr. Danny Scott and his Board, to whom I am grateful for their many hours of labour has done much to provide low cost housing in this country over the last two or three years. But we have one simple problem. We are running out of funds. The purchase of the HDC Bonds presently guaranteed by the Cayman Islands Government with a return on 7.5 per cent is not a bad investment in today's market place. I would encourage those banks, of which there are many, who have not purchased any of the HDC Bonds to do so. It is a small contribution to the continuing development and improvement of the social fabric and the quality of life in these Islands.

I invite the Insurance companies, who, Madam Speaker, should have a certain amount of extra cash to purchase those Bonds. We have about \$2 million left in the latest issue at 7.5 per cent and if the HDC can manage to get subscriptions which will take it up to a Portfolio of \$5 to \$6 million, it can be self sustaining and can help many people in our community. I plead with the Insurance companies, the law firms, the banks, who have not done so, to subscribe to those Bonds. I am also extremely grateful to those institutions, particularly, the two local banks who have taken out by far the greater subscriptions for what they have done. But, we are desperately in need of funds and we would be most grateful to any companies who would subscribe and assist us in providing housing for the less fortunate in our community. While we might boast of a per capita income of over \$16,000, there are some in our society who need help. They are not asking for hand-outs. The HDC is a viable financial institution and the people we help have to help themselves a lot, but we need the funds to help them.

This is an election year, and Madam Speaker, there will be much debate about what is good for this country and what is bad or this country; about who can do a better job than those who are presently trying to contribute to the administration of this country. I will continue to do for the people of this country what I have done for the last three years. I will work hard at my Portfolio level to put in place policies and to put in place programmes which can serve the needs of this country. I am extremely grateful for the many people within my Portfolio who support what the Government is trying to do and who work long hours to bring about the implementation of the policies we put in place.

I will also continue to seek public input on any programme policy that I am putting in place, irrespective of the controversy of public ridicule some Members of this House, and of the public may try to inflict on the programmes we bring forward. The Governor laid out in his Throne Speech many of the expectations of the Government and I will do what I can to serve the people of this country.

Thank you.

**MADAM SPEAKER:**

Proceedings will be suspended for 15 minutes.

**AT 3:26 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 3:50 P.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on the Throne Speech. (PAUSE) Perhaps it is the wish of the House that since we have a little over half an hour we might adjourn for the day? Members seem reluctant to get to their feet. Or I may ask the Mover of the motion if he would wish to conclude?

The Honourable the First Official Member.

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, I never thought it would end this way, but so be it. I believe all Members, and perhaps even the listening public, appreciate that this is the last occasion for me to wind up the Throne Speech as the First Official Member of this Honourable House.

I believe in the 10 years that I have served in this House and in Government as Financial Secretary, it has been personally satisfying to me. There has been obviously the good times and the rough times but that is life, Madam Speaker, and we must continue to stand up for what is right, for honesty and integrity, and for justice and fair play for all.

The Cayman Islands, I do not think is the same place now, as it was when I accepted the duties of Financial Secretary in April 1982. There has been tremendous development over that 10 year period. Just a quick sketch of statistics indicate that the total number of companies registered at that time was about 17,000, versus the present being in excess of 23,000. The Budget for 1982 was \$48 million, versus the Budget of 1992 which was close to \$131 million. The currency in circulation in Cayman dollars was around \$2 million, presently it is around \$24 million. Sometimes we boast about the external assets that are on the books of the 546 banks registered in the Cayman Islands. Back in 1982, there was about \$120 billion, versus the latest figure for 1991 being in the range of \$472 billion.

I think we can see a tremendous amount of growth in those areas which speaks to the economic development and progress that has taken place in this country and I believe if we look back at the total number of civil servants in the salaried positions - go back to 1980 - it would probably be about 900 versus the 1,800 that is around today. That is perhaps the good side, Madam Speaker. The other side of it is we have seen significant social deterioration in this country. We have witnessed the ills of drugs and the after effects of it, not only in the youth of today, but also the crime that results therefrom. It does seem to me that one of the major problems to resolve is dealing with the youth because at the end of the day, they are going to have to help us to maintain the cherished harmony and minimum of criminal activity in this country that we have come to expect.

The education of them, the tolerance in some of the things that they do, the juvenile courts and the problems that we see in those areas is sufficient evidence to cause us to begin not only to think about and plan for some action, but to begin to execute in the interest of the country and people we say we love. I believe that we are all still, in a Caymanian expression, "up and kicking". There are many ills but I think when we look at the other side of it there is no place in this world, that I have been, that I would prefer to live in than the Cayman Islands. One thing is certain is that whatever it takes for me to lend my contribution to maintaining the way of life in this country that we have come to expect, it is going to be done.

The Throne Speech, I believe is one that generally lays out the programme that the country can expect to see delivered in the year in which this Throne Speech begins. In the year of 1992, when there is General Election fever in the air, I think this Throne Speech is one that we will all remember. Some of us will say there could have been more to it, others will say it was sufficient and others will say it is on mark. But it is not the Throne Speech at the end of the day, it is all of us who work in Government or make a contribution in this country that will cause this country to continue to move forward.

One of the things I believe that we must shed is the back-biting among each other for at the end of the day we are going to spend more time dealing with that than the devoting of energy to programmes dealing with the development of this country; to do the policing that is necessary; to provide the educational facilities that the young people expect; to deal with the old lady who cannot work anymore and to set the right social atmosphere for those business people who come to us and depend on the stability that we have been boasting about for all these years. Not just political stability for my belief is that political stability, without financial stability, the political side will not last long. There is not any country I have known in my life. . . and we could make it more specific: There is no country I know of in the last 40 years which has become independent or moved on with constitutional change, that can stand up in the eyes of all scrutiny and say they have made a success of it. We can look around the Caribbean, and in my view there is no success to talk about. Our way of life, our way of doing business and our way of providing for the generations to come, is sufficient evidence for us to say we have got the right ingredients. Let us not throw them away. Let us keep working on building and strengthening those ingredients and the weaknesses that we do have can easily be strengthened. In my view, the Cayman Islands will only be an envy of people around us if we continue to move forward with the same cautious forward progress that our forefathers did years ago.

When we put the spotlight on what is around us we see the Cayman Islands being in a geographical location where we are doing better than any other country around. If we look to the north, that is so. Perhaps even for the United States that may be so, if you want to go that far. But if you look at the islands to the north, to the east, to the south and to Central America, it is certainly so.

The important thing I believe is to realise that this is the case because it is so easy to lose what we have. It has taken us so many years to build it, not just us, all of those who have gone before and made their contribution, for the Cayman Islands would not have been an off-shore financial centre of the world had it not been for the forefathers who made their contribution, perhaps not knowing the full extent in the future as to how that contribution would lend itself to the scene, to this achievement. So I think we should all work and pay attention to the needs of the people of our country and to the social and other ills that can come to our shores which is spread all around us. If we begin to focus in this direction I believe there is a chance that we will maintain this forward progress that we, the people of the Cayman Islands, have come to expect.

I am not going to talk about myself and what I have contributed. That is not for me to do, it is certainly not my way. But whatever it may have been I am sure that one day down the road, someone, somewhere, will realise, just as I am paying respects to the forefathers who built this country, someone will remember a man by the name of Tom Jefferson and maybe say he contributed a little bit to it too. That will be good enough for me, Madam Speaker.

This world in which we live is rapidly changing. It requires constant monitoring of the political and economic world and sometimes we are going to need to take action especially in the world of finance to stay abreast of the changing world to maintain the attractiveness of the Cayman Islands as an off-shore jurisdiction either for insurance purposes or for the banking world which has mainly brought us to the level that we have reached so far.

The Cayman Islands, I think, will be one of those countries that people will say the leaders of it are resilient, the people have an ability to cope with phenomenal growth and still, in

a majority way, be the same kind of people they were 20 years ago. For, if we look back to 1972 and compare it in any way to the evidence we see around us today, it is almost unbelievable to think that the people of this country have accepted all that and they are smiling, they are still going their way, doing their chores, running their businesses, pumping their gasoline, going fishing and looking after their families.

It is that way of life, the family unit throughout the entire universe, I believe, is falling apart. We in the Cayman Islands, if we have not seen it already, which I think we have, must realise both in terms of the Government programmes but more specifically the parents obligations to do all in their power to continue to maintain a strong family unit because at the end of day it is that strong family unit with a religious content that all of us grew up with that has made us the women and the men of today. It will take nothing less for them to have it 20 years from today.

Madam Speaker, I was not really prepared for this winding up so I think it is appropriate for me to stop at this stage and thank all Honourable Members for their contributions.

**MADAM SPEAKER:**

The question before the Honourable House is Be it resolved that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor delivered at this meeting. There has accordingly been the debate, so I shall put the question.

**QUESTION PUT: AGREED.**

**THAT THIS HONOURABLE HOUSE RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE ADDRESS DELIVERED AT THIS MEETING.**

**MADAM SPEAKER:**

The next item on the Order for today, Other Business, Private Members Motion No. 1/91. The Second Official Member responsible for Legal Administration continuing the debate.

## **OTHER BUSINESS**

### **PRIVATE MEMBERS' MOTIONS:**

#### **PRIVATE MEMBER'S MOTION NO. 1/92**

#### **EMPLOYMENT OF EFFECTIVE GOVERNMENTAL AND JUDICIAL CONTROL OF DRUG USE AND REHABILITATION OF OFFENDERS IN THE CAYMAN ISLANDS**

**HON. RICHARD W. GROUND:**

Thank you, Madam Speaker, I must confess that I had not expected to be speaking again this afternoon and had looked forward to many more days in which to collect my thoughts on what I wanted to say and for that reason I too, will keep what I have to say short and certainly will finish by this afternoon.

What I do have to say comes something of an anti-climax after the powerful winding up of the Throne Speech Debate that the Financial Secretary just delivered. He may not have had much time to collect his thoughts, but what he did put together I think was something for us all to ponder on and take seriously.

One of the threats, of course, to the current stable and pleasant environment of the Cayman Islands we all recognise is drugs. In deciding how to address that problem there are many approaches, and there are almost as many approaches as there at people who come to it. It is certainly an area in which full and free debate in this House does no harm to thrash out the solutions. So for that reason, I think the debate we have had on this motion reveals differences of approach but they are all positive approaches. The one point I wanted to home in on by way of rapping up is the question of urine testing because the motion draws specific attention to it and asks that Government take an in-depth look at the present practice of convicting under the urine test to see whether this has been effective in the fight against drug use in the Cayman Islands.

Government is voting no on this motion and in doing so in respect of that part of the resolution the Government is signifying that it thinks that urine testing as one of the weapons in the arsenal of law enforcement is a valuable one and one that needs to be continued with. The question of it has been considered from time to time. The Advisory Council on the Misuse of Drugs that same Council that the Member moving the motion called upon to be reconvened, looked at some aspects of urine testing and referred to it in its last report and there are just two aspects that I want to mention this afternoon.

The first is found on page 33 of their Report. It comes under the General Heading, "Proposed Amendments to the Misuse of Drugs Law". Little (a) on page 33, they recommended increasing the penalty for refusing to provide a urine specimen in response to a request from a police officer. They point out the Section 4 of the Drugs Law provides for the arrest of anyone who the constable reasonably suspects to have committed an offence under the Law. If such a person without reasonable excuse fails or refuses to provide a specimen for laboratory testing, he is guilty of an offence. The current maximum fine is a fine of \$1,000 or imprisonment for a year or both.

However, the Council pointed out that should the person requested agree and provide a specimen, and should it prove positive for ganja, the maximum penalty is \$3,000 or three years imprisonment. That is three times as much for refusing. For a second offence then the maximum penalty is \$10,000 or 10 years imprisonment. Should it be cocaine then it is \$10,000 or seven years imprisonment. Really substantial and much more substantial sentences and the Council thought that that aspect of the Law might discourage anyone who had consumed a control drug and knew it, particularly if it was cocaine or a second ganja



offence from giving a urine specimen. For that reason they urged increasing the penalties for failing to provide a specimen.

Whether that is, in fact, something that could be implemented is something that I certainly would like to hear more debate and consideration on. There are conceptual objections to making the penalty for refusing as high as the penalty for actually to have committed the substantive offence. But I point out this section to the House to show that when this matter was last considered in-depth by a body established by Government far from recommending the abolition of the urine test, they recommended stiffening up the penalties for refusing the test.

The other consideration that the Advisory Council gave to this is something that I would particularly welcome debate on, particularly welcome contribution from Members, whether informal debate or just by having a word because I think it is an interesting suggestion and one that does deserve further consideration. It is on page 35 of the Report against little letter (e) requiring urine samples in cases of other offences. What the Council said was this:

"Drug use and other criminal activities are familiar bed-fellows. Dependent users, in particular, may commit offences of dishonesty or violence to pay for their habit. One way of curbing this would be to extend the power to require a sample of urine in the case of all persons properly arrested for a serious offence. At present a constable may arrest without a warrant for an arrestable offence. Such offences are listed in Schedule 1 to the Criminal Procedure Code."

I may add that arrestable offences are serious offences such as arranging for murder down through rape, to assault causing grievous bodily harm, but also the range of offences of dishonesty, theft, burglary, obtaining property by deception.

What the Council recommended was that consideration be given to amending Section 4 of the Misuse of Drugs Law, to empower a constable to require a urine sample from any person whom he has arrested on suspicion of committing an arrestable offence. At the moment the power to require a urine sample is limited to where the constable has arrested someone on suspicion of a drugs offence and so this would greatly widen it. My own opinion, for what it is worth, is that this would be a valuable and useful tool for the law enforcement authorities to have and that the Council's observation that criminal activity and drug use are familiar bed-fellows is a wise observation and one I think that we would all recognise to be true.

So, I point out that recommendation of theirs, throw it out to the House and would welcome consideration and may say that we are considering for the next meeting a whole range of amendments to the Misuse of Drug's Law, mainly to bring it in line with our various international obligations and particularly the recent Vienna Convention on the Misuse of Drugs. At the same time I hope to take the opportunity to address one or two particularly local aspects of the drug problem and this is something that we can well give consideration to if the feedback that I get is that it would be a useful thing.

Having looked at what the Advisory Council said, I would just like to advance my own views on urine testing. The urine testing itself, is not the heart of the offence. The heart of the offence is consumption of a controlled drug. The whole framework of the Misuse of Drugs Law and the whole philosophy behind our approach to drugs in this Island over many years is that the consuming of illegal drugs is a crime just as possessing illegal drugs is a crime even if it is a small amount, it is still criminal.

Consumption of illegal drugs in the absence of some form of chemical testing is usually almost impossible to detect. It would be very difficult indeed to maintain a prosecution for say, having consumed ganja, simply on the basis that someone appeared intoxicated. They could be intoxicated for a variety of reasons - alcohol or other prescription drugs might produce a similar effect. So just because someone is behaving in a stoned fashion does not mean that the police can take action against them. Really, the only way the police can catch someone for consuming drugs is if they see them sitting there smoking a ganja cigarette or smoking rocks or taking cocaine. That in the nature of things rarely happens. Moreover if the police do see that happening and are able to apprehend the person concerned they will probably prefer the charge of possessing because they were possessed in their hand the drug they were taking unless they consumed it rapidly as the police approached and that does sometimes happen.

For consumption to be a realistic offence and it has always been in our statute books, it is not a new thing, it has been there as long as the Misuse of Drugs Law has been there. For it to be a realistic offence you need a realistic way of detecting it and urine testing made available to us through modern advances in medicine and chemistry provides just that test. It would be hypocritical to say that consumption is an offence, to rail against consumption, to rail against possession for personal use, and yet decline to take advantage of a test that would detect that and enable the proper sanctions to be applied.

In supporting urine testing I do not want to close the door to a debate on what the proper sanctions are. It may well be that putting first time drug consumers, or even repeat drug consumers in addiction cases, putting them into Northward for increasing lengths of imprisonment is not the right approach or at least not the only approach. That is something certainly that can be looked at.

In the case of hard drugs, and that includes rocks and cocaine, at the moment the courts are obliged to imprison for consumption. They cannot tell how much someone has consumed from a urine test but any positive showing on the urine test will lead to a term of imprisonment and the Chief Justice, as we noted in the debate yesterday, has pointed out that imprisonment may not be the right answer and that it is wrong to force the courts in whom you entrust a great discretion as to how to handle offenders. It is wrong to force them to imprison when they may think that in the circumstances of a particular individual case there is a better way in dealing with it.

For that reason we will be bringing later in this session a very

short bill that just increases the court's discretion not to imprison in appropriate cases of possession and of consumption. It does not in any way decrease the penalties. It merely increases the court's discretion when it has weighed up all the circumstances affecting the individual to say no, in this case prison is wrong for this man.

I will say no more about that now because that will be to anticipate the bill. I would just wrap up, it is very nearly the closing time and I have promised to finish this afternoon, but just to wrap up and say that I urge upon this House that urine testing, though it has been controversial, is a worthwhile and proper tool for the police to have, one that they should continue to have and that the way to deal with the difficulties and the doubts that it may have given rise to in the minds of Members is by allowing the courts a slightly freer hand in dealing with the offender once he has been caught, rather than by saying we will deliberately deny ourselves the means of catching him.

Thank you, Madam Speaker.

**MADAM SPEAKER:**  
have the adjournment at this time.

We have just four minutes left but I think Members would wish to

### **ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**  
o'clock Monday morning.

Madam Speaker, I move the adjournment of this House until 10

**MADAM SPEAKER:**  
until Monday morning at 10 o'clock. I shall put the question.

The question is that this Honourable House do now adjourn

**QUESTION PUT:**           **AGREED.**   **AT 4:29 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,**  
**MONDAY, 2ND MARCH, 1992.**

**MONDAY  
2ND MARCH, 1992  
10:04 A.M.**

**MADAM SPEAKER:** Prayers by the Elected Member for East End.

**PRAYERS**

**MR. JOHN B. McLEAN:**

Let us Pray.

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

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

**APOLOGIES**

**MADAM SPEAKER:**

Before we commence proceedings, I have an apology from the First Elected Member for Bodden Town. He is attending a Parliamentary Seminar in the United Kingdom. Presentation of Papers and Reports. Report of the Standing Finance Committee, the Honourable the First Official Member.

**PRESENTATION OF PAPERS AND OF REPORTS**

**REPORT OF THE STANDING FINANCE COMMITTEE  
(Meeting held 18th February, 1992)**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee for the Meeting held Tuesday, 18th February, 1992.

**MADAM SPEAKER:** So Ordered.

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, the meeting was called to deal with a request in respect of a Government guarantee to Guinness Peat Aviation on behalf of Cayman Airways. The Committee's approval was sought for a guarantee on behalf of Cayman Airways to Guinness Peat Aviation in the sum of \$5,473,141. The Honourable Member for Tourism, Aviation and Trade moved the motion that Government be authorised to approve the guarantee and requested that the portion of the proceedings in respect of the details of the agreement reached between Cayman Airways and Guinness Peat Aviation be held in private.

Motion No. 1, with the leave of the Chair, the Honourable Member for Tourism, Aviation and Trade accordingly moved in accordance with Standing Order 82(2) that strangers do withdraw from the building and that the private proceedings not be broadcast. That motion was carried by a majority. Next we had the Withdrawal of Strangers. The Proceedings in Private commenced at 10:51 a.m. Consideration of Request in Respect of a Government Guarantee to Guinness Peat Aviation, on Behalf of Cayman Airways Limited.

The Honourable Member for Tourism, Aviation and Trade presented the details in respect of the agreement reached between Cayman Airways Limited and Guinness Peat Aviation and sought Members' support for the Government guarantee. The Committee held discussions for one hour and thirty-one minutes, and at 12:32 p.m. the Committee suspended and resumed at 12:46 p.m. Further discussion ensued for four minutes and then Motion No. 2 was put. The Chairman put the question that the monetary obligation due by Cayman Airways Limited to Guinness Peat Aviation in the sum of CI\$5,473,141 be guaranteed by the Cayman Islands Government in a form and substance satisfactory to Guinness Peat Aviation. It

was agreed by majority that the monetary obligation due by Cayman Airways Limited to Guinness Peat Aviation in the sum of CI\$5,473,141 be guaranteed by the Cayman Islands Government in a form and substance satisfactory to Guinness Peat Aviation. The Adjournment of the Meeting. The Meeting was adjourned at 12:52 p.m. sine die.

Next we had the Suspension of Standing Order 72(5). The Committee agrees to recommend that this Honourable House do suspend Standing Order 72(5) to enable this Report to be laid on the Table of the House without the minutes of the proceedings of the meeting. The Committee agreed that in accordance with the provisions of Standing Order 72(5), the Honourable Financial Secretary shall, acting on behalf of the Chairman of the Committee, present this Report to the House and the Committee agreed that this is the Report of the Standing Finance Committee, Madam Speaker.

**MADAM SPEAKER:** I think in accordance with the provisions of the Report, it would now be necessary for Standing Order 72(5) to be suspended.

#### SUSPENSION OF STANDING ORDER 72(5)

**HON. THOMAS C. JEFFERSON:** Madam Speaker, it is the recommendation of the Committee that Standing Order 72(5) be suspended and done in accordance with Standing Order 83.

**MADAM SPEAKER:** The question before the Honourable House now is that in accordance with the provisions of Standing Order 83, that Standing Order 72(5) be suspended in order that the Report be laid on the Table without the Minutes. I shall put the question.

**QUESTION PUT: AGREED. THAT STANDING ORDER 72(5) BE SUSPENDED TO ENABLE THE REPORT TO BE LAID ON THE TABLE WITHOUT THE MINUTES OF THE PROCEEDINGS.**

**MADAM SPEAKER:** Standing Order 72(5) has duly been suspended and the Report is laid on the Table without the Minutes. Questions, No. 5 which is a deferred question stands in the name of the First Elected Member for Bodden Town and in accordance with Standing Order 23(3) the question will be asked by the Second Elected Member in absence of the First Elected Member for Bodden Town.

### QUESTIONS TO HONOURABLE MEMBERS

DEFERRED QUESTION NO. 5  
(WEDNESDAY, 19TH FEBRUARY, 1992)

#### STANDING ORDER 23(3)

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

**NO. 5:** Would the Honourable Member say: (a) What are the titles and grades of all posts held by non-Caymanians in the Lands and Survey Department; and (b) what are the titles, grades, qualifications and experience of Caymanians in this Department?

**ANSWER:** (a) The titles and grades of posts held by non-Caymanians in the Lands and Survey Department are as follows:-

ESTABLISHED POSTS	GRADE	NO. OF POSTS
<b>Overseas Contracts:</b>		
Director of Lands & Survey/ Registrar of Lands	SS 4	1
Chief Surveyor	SS 1	1
Lands Officer	AP 3-4	1
Senior Surveyors	AP 3-4	2
Senior Executive Draughtsman	AP 3-4	1
Assistant Lands Officer	AP 1-2	1
Senior Surveyor	TH 8-9	1
Senior Draughtsman (Permanent Residence)	TH 8	1
Senior Technical Assistants	TH 6-7	3
Technical Assistant	TH 5-6	1
		----
		13
		----
<b>Local Contract:</b>		
Executive Officer	E 1-2	1
		----

**Temporary Appointments:**

Land Registry Officers	TH 3-4	2
Trainee Surveyor (Permanent Residence)	TH 1-3	1
Clerical Officer	C 1-4	1
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		4
		----

## UNESTABLISHED POSTS

**Temporary Contracts:**

Senior Chainmen	AD 1-5	2
Chainman II	AD 1-5	1
Chainman/Driver	BB 1-3	1
Chainman	AC 1-3	2
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		6
		----

(b) The titles and grades of Caymanians in the Department are as follows:-

POST TITLE:	GRADE	NO. OF POSTS
Senior Surveyor (Supernumerary)	TH8-9	1
Surveyor	AP 1-2	1
Deputy Registrar of Lands	TH 8-9	1
Assistant Registrar of Lands	TH 6-8	2
Technical Assistants	TH 5-6	2
Senior Trainee Draughtsman	TH 3-4	1
Trainee Draughtsman	TH 1-2	1
Trainee Surveyor	TH 1-2	1
Higher Executive Officer (Supernumerary)	E 3-4	1
Higher Executive Officer	E 3-4	1
Executive Officers	E 1-2	4
Land Registry Officer	TH 3-4	1
Clerical Officers	C 1-4	4
Office Attendant	AB 1-3	1
Chainman	AC 1-3	2
		----
		24
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Details of the qualifications and experience of Caymanians in the Department of Lands and Survey are attached to the written answer.

**SUPPLEMENTARIES:****MADAM SPEAKER:**

Supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, may I ask the Member since there appears to be a preponderance of non-Caymanians in the higher posts of the Department, what is Government doing about this? Are there any Caymanians in training to replace these officers?

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, training is provided in various ways for staff development. For example, a Caymanian Assistant Registrar of Lands led an 18 week in-house training programme for Registry Procedures. Training is also provided by the Assistant Registrar of Lands to Caymanian Article Clerks who are on rotation to the Department for three to four months. These Article Clerks of course, attend the Cayman Islands Law School.

On the professional and technical side, three Caymanian members of staff are presently overseas in furtherance of a two-year diploma in Cartography, a three-year degree in Land Information Management and a three-year degree in Estate Management, respectively. Additionally, a Surveyor will shortly undertake a refresher course in the United Kingdom prior to sitting the final examination of the Royal Institution of Chartered Surveyors. If successful and upon satisfactory completion of a test of professional competence, he will then be eligible to become a professional Associate of the Institute.

**MADAM SPEAKER:**

The Elected Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could tell

us what are the necessary qualifications of the Chief Surveyor?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I hesitate because the question asked for the qualifications and experience of the Caymanians in the Department, it did not ask to address the qualifications required for the posts held by non-Caymanians. So, regrettably, I am unable to answer that supplementary.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could then tell the House what would be necessary for a Senior Caymanian within the organisation to become Chief Surveyor?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the minimum qualification is the acquisition of the professional qualification which is granted by the Royal Institute of Chartered Surveyors and we do have a Caymanian in the Department, who, as I just said, will be sitting that final examination shortly. That certainly is a basic, minimum required qualification.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Could the Member please tell the Honourable House, Madam Speaker, what is the difference between the RICS and the ACSM?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker, I cannot tell the House the difference.

**MADAM SPEAKER:** If there are no further supplementaries, that will conclude question time. We will next proceed to Other Business. Private Member's Motion. Debate continues on Private Member's Motion No. 1/92.

## **OTHER BUSINESS**

### **PRIVATE MEMBERS' MOTIONS**

#### **SUSPENSION OF STANDING ORDER 14**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I think it is appropriate that we suspend Standing Order 14(2) in order to take Private Members' Motion. Members of the Committee thought that as we were not meeting tomorrow and neither on Wednesday because Wednesday is a Public Holiday that we should attempt to try to finish off this Private Member's Motion. I move, under Standing Order 83, the suspension of Standing Order 14(2).

**MADAM SPEAKER:** The question before the Honourable House is that in order to proceed with Private Members' Motions it is necessary to suspend Standing Order 14(2).

**QUESTION PUT: AGREED.** **STANDING ORDER 14(2) SUSPENDED TO ENABLE PRIVATE MEMBERS' BUSINESS TO TAKE PRECEDENCE OVER GOVERNMENT BUSINESS.**

**MADAM SPEAKER:** Standing Order 14(2) is accordingly suspended and we proceed with Private Members' Business. Private Member's Motion No. 1/92, debate continues. The Elected Member for East End.

#### **PRIVATE MEMBER'S MOTION NO. 1/92**

### **EMPLOYMENT OF EFFECTIVE GOVERNMENTAL AND JUDICIAL CONTROL OF DRUG USE AND REHABILITATION OF OFFENDERS IN THE CAYMAN ISLANDS**

(Continuation of debate thereon)

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Madam Speaker, I rise to support Private Member's Motion No. 1/92, which once again, is trying to establish some sort of help and control over the drug usage in our beautiful Islands.

It is a fact that drug use is still on the increase and those involved in the trade are continuing to do so. Therefore, this tells us that placing individuals in Northward Prison is definitely not the answer. For some individuals going to Northward is like going on a trip. Therefore, they continue to go in and come out and go back again. I am concerned that many of our young people are constantly being destroyed by the evils of drugs and the abuse of drugs. I am also concerned that the only major thing that we as a country can offer to those individuals is a prison term at Northward. In other words, we need to do more than we have been doing to help. If gossip is correct, for many who go to Northward Prison the use of drugs never stops, it just continues because it is on the main road that it is quite easy to obtain drugs at Northward Prison. I believe that the motion which is presently before this Honourable House, if it was accepted by Government and something was done, would be a means by which we could be helping those who have become addicted to drugs in these Islands.

But what do we continue to see? It seems from the contents of some speeches which we heard since this motion has been on the Floor of the House that certain individuals are not in support of the motion and they in turn, support what we have been doing. It really hurts to see from the statistics which are put forward by the Public Works Department and I am not here to blame the Public Works Department because this is something which we have asked for, the statistics, but looking at those statistics we see huge sums which are in there for further development at Northward Prison and when it comes down to a building to rehabilitate the people who are engaged in drugs, what to do we see? Nothing.

I honestly believe that if some of those funds were taken from further Prison developments and placed in a vote to deal with what this motion is asking for, we would be on the right track in trying to assist those who are so well messed up in life because of the evils of drugs. Madam Speaker, I am aware that organisations like CASA have been trying to do their part but we are all sensible people. We know that while what they are doing may be helping, we need much more in order to really deal with matter properly.

We continue to see young Caymanians go to prison for the first time in some cases, who, when they come back to society are worse off than when they went into Northward Prison. It hurts your heart to sit and talk with some of these individuals and to hear exactly what is going on at Northward Prison. This, in itself, tells me that the time is now, and that we should take the bull by the horns and do something about this, something which will help and not hurt because as I see it now, what we are doing is definitely not helping. I will say no more on this except that it is a fact that over the last, say, five or six years the drug problem in this country has been like a cancer and it continues to destroy. I honestly believe that it is the duty of each and every legislator in this House and all concerned in this country, to work together and to try to provide what is necessary to stamp this evil out of our society.

At this stage it does not only endanger the lives of those who trade in drugs or the users but indeed, it is against the lives of each and every individual in this country. We can talk of our kids as being good kids at home but once they are out from us and mingle with the company that is out there, we cannot control what they may do. It is a fact that the influence is out there and I believe that we would be doing this country justice to try and follow some of the suggestions in this motion. I consider it a good motion and once again, it has my support.

**MADAM SPEAKER:**

The Honourable Member for Education.

**HON. BENSON O. EBANKS:**

Madam Speaker, this motion is riddled with false assumptions and inaccurate statements. It is my view that the first "Whereas" that is, that drug usage has been on the increase, cannot be proven statistically. The figures, as I see them, talk of drug offences and when they are broken down they do not support the assumption that there has been any radical increase in drug usage.

The available statistics from the Prison as of 31st December, 1991, show that there were only three persons in Northward Prison for the consumption or usage of cocaine and/or ganja. It is my understanding that a more recent statistic as of the middle of January puts that figure at eight persons for consumption. I imagine that that number represents those persons who might have become a bit over-zealous at the festive season.

The point I am making is that if the number of people at Northward Prison for the offence of consumption of drugs is taken as the benchmark then it cannot be proven, in my view, that there has been any significant increase. That argument, in my view, also shows that the over-crowding mentioned in the third "Whereas" cannot be attributed to persons there for the consumption of drugs.

Certainly it must tell us that the fourth "Whereas" in the motion is likewise faulty. That is, that a large percentage of the Prison population consists of repeat offenders convicted for the consumption of drugs under the urine test. That cannot be supported from statistics. I wonder if that mention of the urine test and the suggestion under the "Resolve" section in regard to that is not in fact the real reason for the motion in the first place? It is my view that if one has a tool and it gets a spot of rust on it, one does not just discard it for that reason. A prudent person would seek to remove the rust from the tool, grease it up, see that it does not rust again and continue to use it. I believe that is the case with the urine test.

I seem to recall that the Caymanian Compass, on its front page when it announced that this motion was being brought to the House, quoted the mover of this motion as saying that he had been told by some people that the urine test had prevented them from ever experimenting with hard drugs. Now if that is so and I believe it to be so, then surely that has been one of the most effective deterrents to drug usage that has been known in Cayman.

I believe that on some occasions the use of the urine test has been abused and by this I mean there are some people in our community who are easily identified as addicts to drugs. It seems pointless to me for the Police to request urine tests from these people repeatedly but that is the rust I am talking about on the tool. In the same way that we would not throw away the tool because of the spot of rust, then we should not, in my view, consider the removal of the provision of the urine test in our fight against drugs merely because on an occasion or two it might have been misused. My view is that that misuse can be curbed administratively and by directions from the proper source. That would be my suggestion of how to go about remedying that in the same way that you would take some rust off of the tool.

It is true that the efficacy of prison sentences for drug abuse has been questioned in the Courts. Certainly this House and the country should know that we on this side have never accepted that imprisonment was the most effective sentence. When the Misuse of Drugs Law was first introduced, the imprisonment provision was discretionary with the Judges. It was not until after 1976 and before 1984 that the mandatory imprisonment sections and sentences were put in the Misuse of Drugs Law. In 1987, but for a drafting

error, this whole question would have been settled then. There was, in my view, a legal drafting error which did not remove one clause in the Law which says that notwithstanding any provisions previously in the Law, all sentences for hard drugs, that is cocaine and so on, over two ounces had to include an element of imprisonment.

When this was brought to Government's attention by the utterances of the Honourable Chief Justice and others, Government has taken action to remedy that position by the amendment which is before this very meeting of the House. It should be noted that the provision of the Law and of the amendment does not make it mandatory for people to be sent to rehabilitation programmes or institutions. It is with the person's consent. It is a well recognised fact that unless the person who consumes illegal drugs is committed to reform and is willing to accept the counselling that there is no sense to impose it by Law. This is an internationally accepted fact.

Madam Speaker, I happen to believe that the best approach to fighting drug abuse is by implementing preventative programmes. We have been doing something about this in our schools. In 1988, a curriculum co-ordinator for Health and Social Services in the schools was appointed. After lengthy enquiry from a wide cross-section of the community representing public health, the Alcohol and Drug Abuse Council, Social Services, the school nurses, the churches, school counsellors, media and principals, a decision was made after reviewing four different curricula to introduce the Quest Programme into all of our schools. This resulted in just about every primary teacher in the Government system being taught their section of the curriculum. In the High School and Middle School as well, large numbers of teachers have been taught to effectively convey this programme. The good thing about this is that the cost of these seminars and of bringing the trainers to the Cayman Islands was covered by the Lion's Club in their programme of community development in the fight against drugs.

Not only is this so in the Government schools but every private school, barring one, avail themselves of this opportunity to have their teachers involved in the pastoral care receive this training. It was extended to Cayman Brac as well. There is some evidence of success. In the Primary Schools, staff have noticed that many children are showing more respect for others and that they have a much more healthy and realistic outlook toward the use and abuse of drugs, and of all of the rest which really is not necessarily related to this motion. I only wanted to get in the bit which we were doing with the drug prevention.

It is also the case that this is being seen to be working effectively in the High School and Middle School. Despite the few instances of severe misbehaviour, the general behaviour has been impacted for the better because of this training. It is my view that continued focus on drug education, skills for living in the schools will eventually turn out people who can stand on their feet without being propped up by the misuse of drugs.

Because of that fact, I believe that the Member for Health is on the right path when he says that he does not consider the construction of a rehabilitation centre at this time in the Cayman Islands to be a priority. It is my hope that any building dedicated to drug rehabilitation or the rehabilitation of drug abusers in these Islands will become a white elephant for lack of use in the not too distant future. That would be my hope and I am convinced that our continued effort in educating our youth towards not using drugs in the first instance is the way to go. For that reason I cannot support this motion.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I support this motion and I would like to deal with what I think is either a misinterpretation by Government of a part of it or for whatever reason, they are refusing not to fully understand it.

First let me say in principle that I agree fully with the programme of educating children and the public to stay away from drugs but we have to face the hard fact of life that drugs are on the increase and rehabilitation should have been in a long time ago. As far back as when I was in the Portfolio in charge of this in the 1980s, even though at the end of 1984 there were only four convictions for cocaine, I had already started looking at possibilities of creating a rehabilitation centre. I guess it is probably because of that why the Government has consistently rejected the idea of rehabilitation.

While it may not have been realistic at that stage, I could see that the position was possibly going to worsen as time went on and we do have hundreds of people out there who are on drugs and have to be helped. In the same way as one takes insulin for diabetes or antihistamines for sinuses daily, or whatever, if there is the need for the mental assistance to people who are on drugs, then I think it should be given. But what the Member for Education and the Member for Health seem more consistent with is the Member for Health's statement of just writing these people off.

While there may not be an easy cure in fact, many people have to rely as I said for example on whatever, blood pressure pills or pills for sinuses, there is no reason why the Government should believe that people on drugs should not be helped. The rejection of that part of the motion has to be a consistent Government policy to just write these people off and I do not think that is right. I really believe that if some help regardless of cost, can be given to some of these people to save a life or to make a life come back to normal, then the counselling and the necessary rehabilitation should be put in place.

So the first part of the Resolution itself, I am not going to deal too much with the recitals, which resolves that Government take immediate steps to empower the Courts to order drug users to a proper drug rehabilitation institution rather than a term at Northward, I think, makes sense. Let us face it. What is the difference between sending a person to Northward and taking away his freedom and saying to him that he must go to a rehabilitation centre and take counselling?

Surely if that person is going to Northward and he decides that he is going to resist rehabilitation of the crime he has done, then that is no reason why he is not sent there. So if



more help can be given and the Courts have an alternative to ordering them into a drug rehabilitation institution then I think it would widen the Courts' powers. There have to be instances where rather than having a person put in prison - where we know the drug courses and the drug counselling is voluntary which I disagree with - I think if they are there and they need help, they should be sent for help. It is like somebody being sick in the Prison for some physical illness. Is he left there because he voluntarily does not want to go to a doctor? No. They take him to the doctor and they fix his physical disability. There is no reason why the mental aspect of it should be looked any differently.

In fact, there is power, for example, under the Misuse of the Drugs Law to make a Community Service Order. The Judge makes it whether or not the Government's feeling is that perhaps there can be no rehabilitation there. If the Court feels there can be rehabilitation, they should be allowed in instances to be given the wider flexibility of sentencing.

Obviously the Chief Justice in his statement. . . . I do not want to go too far into that now because I know it arises in the amendment, but he felt that the answer was not in sending people to prison. Well, these are people, let us face it, who are on drugs and there has to be an alternative. If we cannot get the rehabilitation within the Prison, then we must set up other facilities for it. It is all well and good talking about prevention and I agree 100 per cent, I do not disagree with the Member for Education or the Member for Health on that. I support them fully but there is another side to the coin and that is the realistic side. We do have people who are hooked on drugs and they have to be assisted. If they do not get back fully to where they were before, if they can be brought back 80 or 90 per cent to normal life, that is worth it in my view.

The argument used by the Member for Health about a drug rehabilitation centre being only cement or mortar, or something like that. . . . For somebody who is getting ready to produce more cement and mortar in the form of a \$16 million Hospital, this is a very poor argument for him to take. It obviously requires staff and service but something has to be done, in my view, to assist people who are now on drugs.

I would like to go on to the next "Resolve" part of the resolution where it says that Government should "take an in-depth look at the present practice of convicting under the urine test to see whether this has been effective in the fight against drug use in the Cayman Islands." I am not saying and I am not supporting, and the Resolution does not state that the urine test should be abolished. Let us make that abundantly clear because the Member, in opening, raised these different points and other Members subsequently went into this. What comes out clearly is what the Member for Education has pointed out, there is abuse, at times, of this test. This is where we feel Government should have an in-depth look at it in relation to the convictions under it.

As the Honourable Attorney General has mentioned, the present Law does not cover the use of urine testing unless there is a suspicion of a misuse of drugs offence. It does not widen for example, as I understand it, as well into areas of burglary or larceny or any other searches of a house or a person. So all that that is dealing with and all that I am supporting is that we are saying that there has been some abuse, Government admits there has been some abuse under the Law and as the Member for Education put it there is rust on the tool. But if there is rust on the tool, it does not mean you must continually leave it to rust to pieces. The best course is to look at it and to let Government, as this says, have an in-depth look at the practice in relation to urine testing and get it cleared up to what is properly the Law.

Let me say this. It is difficult many times. A policeman is in a difficult position in that I guess he has to know more of the Law sometimes than lawyers do who can take days on a case, if perhaps they have to make a quick decision. However, I would say that whenever a policeman is in doubt in relation to what the Law covers naturally, he should refrain from taking a course of action which he is doubtful on unless it is of absolute necessity at the time and until he can get the position clarified.

So in relation to this aspect and perhaps another area that both Members who spoke, the Member for Health and the mover of the motion raised, was in relation to where it is obvious that for example, somebody who has already been convicted, they were on drugs and going back a month or two later and picking them back up for the same thing. That is not the answer. This is where the rehabilitation centre, in my view, could come into play and where it could begin dealing with the real problem.

Regardless of what the Government or anyone else wishes to say, drugs are on the increase in the Cayman Islands and more and more people are obviously getting hooked on drugs and something has to be done to get them leading as near to a normal life as is possible.

The last Resolution states that Government take immediate steps to reinstitute the Drug Advisory Council and to formulate it into a statutory body for its effective functioning. Well, this is the Council which is supposed to be advising the Member and the Government on drugs and on what to do. Surely it should be a body which meets often and which advises often and keeps up to date with what is happening in the real world out there. What I understood was the position is that it had been nearly a year or a bit over a year that there had been no meeting and/or no recommendations to the Member. This cannot be right. So I support this aspect of the motion.

There has to be somebody out there and if it has to reach a stage where the statute says you must meet every month or every two months and you must make a report every quarter then if that is the only way it is to function, it is unfortunate but I would support that being dealt with in that way.

What I find a bit strange is if Government or at least the Member for Education seems to be agreeing of the problems around the urine test and stating that he is doing what he can in relation to rehabilitation, even though it seems that Government really does not believe in this, then what I do not understand is why will Government not, as the motion said, consider trying to deal with the question of creating some type of rehabilitation facility here?

I am inclined to agree with the Chief Justice when he says that prison is not the full answer to everything that we have out there. Prison is the answer for some drug users, do not get me wrong. I am not, for one minute, saying it is not. But I really think the Court could have and the Government should provide an alternative such as drug rehabilitation centres so that we could try to deal with those out there who are now on drugs.

I support the motion. I agree that perhaps some of the recitals, in one or two areas, could have been longer and more explicit; but with motions, one tries to keep them short and then relies on the person who opens to elaborate on the areas. So it seems that Government and ourselves, as we heard about rust on the tool and the problem of abuse, seemed to be on all fours, substantially, on that and we are really asking them to have an in-depth look at the question of the urine test, not to abolish it at all. This is not what is being said. In fact, if that was intent of the Resolution, then the Resolution would have specifically said that Government take an in-depth look at abolishing the urine test. Nobody is saying that and I am not supporting that. I want that made abundantly clear.

In fact, I have no views of easing up in relation to penalties especially on pushers where I think it should lay. However, I believe in widening the scope of the Courts' power and I believe Government should widen its scope to try to deal with what is realistically now a very serious problem in the Cayman Islands. So I support the Resolution and my interpretation of it. I would ask Government to please try to reconsider its policy in relation to drug users and the question of rehabilitation and to look seriously at it. Perhaps when they get the Drug Advisory Council advising again, in more up to date circumstances, this is one area I would also ask that the Drug Advisory Council to look at very hard.

The fact that we are not getting a 100 per cent result or the fact that it is costly is not, in my opinion, the answer. The money is being wasted by Government on other things. If the life of even one young person, one teenager, can be eased up or one life saved then the spending of the money will be worth it. So I am saying look at this in the light of dealing with humanity, human lives, and human beings. Try to take a humanitarian approach to it.

Thank you.

**MADAM SPEAKER:**

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. Madam Speaker, I rise to offer my support of Private Member's Motion No. 1/92 I believe that the problem of drug abuse and drug addiction in this country is one of the most serious social problems we are faced with at the present time in this country. I, for one, feel that we have to take more positive steps in order to eliminate this problem of drug abuse and I feel that the requests in this motion are some of those solutions that we should be looking at.

The first "Resolve" calls for Government to consider establishing a proper drug rehabilitation centre locally as an alternative to sending drug abusers to Northward Prison where they go for their three months or six months, are released, then go right back to the same situation and become repeat offenders. I feel that we have to have a comprehensive programme in place for the treatment and fight against drug abuse and a local rehabilitation centre is one of the key ingredients to this programme.

I do not agree that all of our needs in this area are being met by sending people to Minnesota because I am aware that there are many people who have a drug problem who do not have the opportunity of travelling to Minnesota for treatment but if there was a local centre then all persons who have a problem with drug addiction would be in a position where they have access to counselling and treatment locally.

Madam Speaker, I am aware right now that there are plans underway for the establishment of a private rehabilitation centre by a group of concerned citizens and I support this effort. I feel that if Government is not prepared at this stage to build their own facility, that an investment in this particular project would still be a positive step in the right direction. Once it is built I feel that Government should be in a position, until they have their own facility, to refer persons who have a problem with drug abuse to this centre for treatment.

Contrary to what the Member for Education had to say with regard to the number of prisoners who are convicted on drug offences, he said in December I think it was, there were only three and in January there were eight. According to my statistics, which were as of 20th February, there were some 86 persons in prison who were convicted or on remand facing drug charges. So it is a problem that we have in this society and is a problem which Government continues to refuse to address.

I feel that the construction of a local rehabilitation centre initially will cost some money but it does not have to be a very large building because I am aware, and I have visited a few rehabilitation centres in the United States and I was amazed at the facilities. They were not huge but they had a programme in place. I feel that for an investment of very little money compared to what the Member for Health is proposing for the new Hospital, we could have a local facility properly staffed and equipped for the treatment of our people who find themselves in the awful position of having a drug addiction.

On the issue of the urine test, I have always contended and this was a part of my manifesto, I think in 1988, that urine tests can be a very vital tool and can be used in a very positive way in the fight against drug abuse. It can be determined to a certain extent whether a person is on drugs through the use of a urine test and if it is determined that he is on drugs, then he should be in a position where he is given an alternative. Either he chooses Northward Prison or he goes to a rehabilitation centre for treatment and counselling.

The aspect of the urine test which I am concerned about and especially in my district of West Bay, I hear many complaints of abuse in this area. I remember two young men

coming to me, one who I knew was on drugs and who admitted that he was on drugs, the other, an upright, outstanding young man in our community who neither drinks, smokes nor gets into the deals and issues of drug abuse. A urine test was taken on those two young men and what was surprising was that the person who admitted being on drugs, his came back negative and the young man who I am aware does not indulge in that practice, his came back positive. So it is abused, it is used as a weapon, and I believe that efforts should be made now to correct this practice by the Police. What we are asking for is Government to look at how it is used, its effectiveness and in particular the aspect of abuse in this area.

I also support the idea that the Drug Advisory Council should be re-activated because it was established in the first instance as a body which would be in a position to advise Government on the issue of drug abuse in this country. It could play a very vital role if it was active.

What concerns me was the attempt by the three Member's who spoke for Government, that is the Member for Health, the Member for Education and also the Second Official Member, to downplay the magnitude of this problem in our society. They say that the statistics do not reflect that there is an increase in this area. I object to that position because the statistics do prove that there is an increase in this area. At the present time if you were to do some research, it would be alarming the number of persons who at the present time are at Northward Prison because of abuse or because of drug related crimes.

I am also concerned with the Member's attitude with respect to the treatment of drug addiction. The attitude which comes across very clearly is that there is no cure for drug addiction so why should we throw money after it. That is the attitude which comes across very clearly. Then he hides behind the excuse of limited financial resources. How is it that the Member can find \$6 million for a new Hospital and could not find \$2 million to establish or construct a rehabilitation centre and put in place a proper programme for the fight against drug abuse in this country?

I feel that we have a problem, we have to recognise that we have a problem and we have to do whatever is in our power to address that problem of drug abuse. With the attitude of the present Member for Health I do not see much hope in this area until he is relieved of that responsibility. But regardless of whether or not the Member recognises that we have a problem in this area, the problem exists, it will not go away and it will only get increasingly worse unless it is addressed.

In my opinion drug abuse in this country is a very serious problem and I will do whatever is necessary as long as I am here to fight this problem, to give our people hope by providing funds which are necessary for the treatment of persons who find themselves in this position. As I said before, I am concerned with regard to Government's attitude with respect to this issue and I trust some day we will have a Government in place which cares for the people and is prepared to deal with and address this very serious issue.

Thank you.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 11:24 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:48 A.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on Private Member's Motion No. 1/92, the Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, I rise to speak on Private Member's Motion No. 1/92. This motion comes at a time when I believe every concerned citizen, group or organisation is expressing concern about the question of drug abuse in this country. Also, it comes at a time when even the Courts of Law have found it necessary to comment upon what happens once an offender comes to court. My understanding is that the question has been raised as to whether, in sentencing a person who has offended the Drugs Law, it is necessary that that person be sent to prison. It is also my understanding that in the opinion of the learned Judge who most recently commented, it did not appear that it was having the type of effect which may have been expected.

This motion has a number of recitals and other speakers have dealt with them so I will not go into the details of the points made in the recitals. However, what I think is very relevant is what the motion is asking for. As I understand it one "Resolve" is that the Courts be given the authority or the power to order drug users to a proper rehabilitation institution rather than be sent to prison.

Arguments have been made here on this motion that persons who are drug abusers cannot be helped if they do not wish to be helped. Indeed, it is my understanding that it is a very basic requirement that the drug user has to want to change that habit for effective treatment by psychologists, or whoever is best suited in this particular area.

However, it seems to me that in a sentence passed on an offender to go to prison, there must be somewhere in that an expectation that prison will punish and correct. If there is any weight to that assumption it would seem that the Courts would by no means be ridiculous if they sentenced a person to go to a drug rehabilitation institution for the same basic concept or principle would be there, that it is a forced order, as such, and they are being sent to an institution which should be functioning to directly assist persons such as themselves. So therefore, I do not see any thing wrong with such a request as this motion asks for.

We hear, I think as legislators, the complaints from many families who are affected by children or adults in the family who find themselves hooked on drugs and we hear the

people complain of the expenses involved for the families when a member goes to prison, the difficulties of the remaining members of that family in going to visit that person, and the general trauma that such a thing has. Therefore, I believe that if instead of imprisonment the Court can order persons to go into a programme of drug rehabilitation, that this is a sensible alternative.

It is also places the Court, in my opinion, in a position that if that person goes to drug rehabilitation and does not improve, it says something about his state. If he refuses to go, it says something about his state, therefore, the Court would be in a position to deal with a repeat offender in a manner more severe than the first position which it took, if it ordered them to drug rehabilitation.

In keeping with the first "Resolve" that I have cited, it naturally follows that the Government should seek to build a purpose-built place, or to acquire a building which would be suitable for a place to rehabilitate such persons, a centre, if you will, as the motion states it.

I know that the Government is taking certain steps and is making certain efforts with providing people who are drug counsellors. By what I understand it is having some good and positive effects. But I believe that this motion envisages something over and beyond what is presently offered. This is speaking of something on a larger scale, much more specific, if you will, to achieving a particular end.

I have heard the Member for Health say that he disagrees with the building of such a place because having the building does not mean that it will help the condition. I have to agree with that but it also naturally follows that you would not build such a centre or such a building without staffing it with people who could offer the necessary treatment and counselling. It might be possible to place the present counsellors in such a building or section thereof, or if it is to be used exclusively for the severely addicted then that could be done. But I certainly do not agree with the arguments I have heard put forward by the Member for Health in this respect regarding sending the persons who become addicted, or drug users or abusers out of the country with the hope that they will be fixed to come back into our own country and never do it again.

If going away could achieve the end then that would be ideal but it would seem that they would have to stay in that environment and that is not quite possible for immigration reasons and certainly for economic reasons for how could the Government continue to pay to keep such persons in a foreign country? So I think the answer has to found here in the Cayman Islands and the monies, and apparently there are large sums of monies which are payable in cases such as these, should be spent in creating a physical facility here with the appropriate staff to work in such a centre.

Madam Speaker, on the question of the urine testing in this country, there are all sorts of stories about it. I have heard of persons who have been tested and have been found positive. I have heard stories from persons who have been tested and have been found negative. There is, in my assessment, a general dislike of it by persons who might be tested and I think that has a positive position in that it might serve as a deterrent.

The motion is asking Government to look at the urine testing practice to see if it is being effective in the fight against drug use. I cannot possible see how such a request can be unreasonable. My own opinion is that it has been the most practical means of clearly identifying whether someone has used drugs or not. To my thinking it is the most technical way that such a thing can be proven.

There is another side to the situation however, in that it seems a person virtually has to contribute to the action of the Police to find themselves guilty. There is a school of thought that while urine testing should be kept in place and I can really, myself, find no good cause that it should be removed for the purpose of testing as it presently exists, which says that urine testing should be done to the extent where you can prove that the person is a user and the person who then is proven to have used the drug be given certain alternatives. "Friend, either you go and do something about your drug consumption or you go to jail." I think this actually fits with the first "Resolve" that I cited where discretion or power is given to the Court to decide to send a person to rehabilitation or to imprison them. So it is not far-fetched.

What I have concern and disagreement with are instances where I have been told that the Police are well aware of a person as being a drug user and they come along and decide that they are going to take that person in for a drug test and 10:1 the person is found with that in his system. My understanding is that there has to be reasonable cause for the Police to take up a person and require a urine test. I have been told there are instances where it is done otherwise. Where such things occur, I think it becomes more of a harassment of the individual then something which has very much positive good.

I can find nothing wrong with asking for the Drug Advisory Council to function effectively and for the Government to consider making it a statutory body. I know there are various advisory councils in this country and this is one. It has given certain advice and certain reports and generally speaking I think what they have said and the reports they have given have made sense. It has identified certain things which have been known to many of us but the problem continues to remain: What do we do about it and what is the most practical and effective way of doing something about it?

Madam Speaker, I cannot believe the argument of some Members of Government who would attempt to say that there is not a problem with the increase in drug usage in this country. From every quarter we are hearing more and more about it and so I believe that any such arguments must fall on deaf ears of the people who are conscious as to what is happening in this society.

Attempts should not be made by the Government to try to pretend that this problem does not exist in our society but rather the Government should take the attitude to face it that there is a problem and try to harness every means within this society to combat it.

Not least of course, is education. That has been determined to be something of extremely good and positive value. If a person can be convinced in their own minds that use and abuse of drugs is bad for them, they are the persons who will naturally abstain from it. It is my understanding even

where there are those who are addicted to it or users who go to a rehabilitation centre, one of the main things that is done is to show them the harm that this does to themselves.

I think this motion is very timely and it addresses a problem in our society at this time, a growing problem and it is one to which the Government should turn its attention in a meaningful way. I, therefore, support the motion.

**MADAM SPEAKER:**  
wish to conclude?

If there is no further debate would the mover of the motion now

**MR. W. McKEEVA BUSH:**

Madam Speaker, I have listened to the debate from Members and I want to thank those Members who are in support of this motion.

I have listened to the debate on this matter by Members of Executive Council, a matter of the drug problem and rehabilitation in and for these Islands. I well understand from Members of Executive Council that they have never supported a residential rehabilitation centre for these Islands because according to them it would be too expensive and because there is no demand for it here in these Islands.

I intend to answer as much as I can because this has been a long debate. I have gotten the *Hansards* and I have perused them; however, if I were to answer all of the spurious talk of the Member for Health, the Member responsible for this subject, we could certainly be here for one month. Even though he says I have wasted the time of Parliament, I believe he spoke two times as long as I did. I am, however, going to answer him in some areas to show how twisted he is and to show, as far as the truth is concerned, that he does not know how to use it.

The first time in the debate that the Member twisted the truth was when he said that I had taken the 1991 conviction figures in the Police Report and said that was the number of addicts in the country. I used the 675 cases three times in my introduction of the motion. All three times I took great pain to say that the 675 cases of 1991 were users, people or young persons who use or are addicted to cocaine or ganja, people who were on or are addicted to cocaine or ganja. This is what I said and it is recorded here in *Hansard*.

Those figures came from the Police. This is what I was told that in 1991 we had 169 cases for simple possession of ganja. For consumption of ganja we had 200 cases. For simple possession of cocaine we had 155 cases and for consumption of cocaine we had 151 cases and that makes the total number of cases 675 for 1991. I did not say that it was 675 addicts but may I ask that Member and the Member for Education how do they know these persons are not addicted? When you take the consumption cases and link them to simple possession cases for ganja and cocaine in 1991 and then you realise that the charge of simple possession means that you possess the drug simply for consumption, you have 473 cases in 1990.

The Member for Health took the 134 cases of cocaine consumption for 1990 conveniently forgot the cases of simple possession of cocaine and simple possession and consumption of ganja and tried to relate the 134 cases of cocaine only to the 96 users who went to the Counselling Centre in 1990, which 96, as I have already said, includes those on alcohol also. He did this trickery to try and dispel my argument that the Centre only dealt with a minor part of the population for that year.

My argument cannot be easily contradicted by this sort of sleight of hand because the figures, as I said that I gave, those dealing with the Counselling Centre, came from Bob Jones. Here we have the figures for 1990 and 1991 and the statistics as I said, came from the Police. When you compare the two, the users, because this is what we are dealing with use and abuse, when you compare the two that is, the Police statistics and the statistics from the Counselling Centre, the only conclusion one could come to is the sad fact that there are so many cases of users but so few attending the Counselling Centre. This is the point that I was making that that man over there tried to go all around to try to make it look as if I was talking about something else which was not so.

The Member for Health went to great lengths to say and he repeated many times that I had, in the debate, cried down the work of the professionals at the Clinic and in his Portfolio. You see the kind of twisted argument, the kind of dirt, the kind of mischief which that Member applies to his debate. His argument and those accusations are not so. Knowing the staff, as I said, some of whom gave me these statistics, who know what the Member gives and who listen to the radio, I have no worry that they would believe his twisted tales.

I recognise the work of Mr. Jones and the other young man there. If you check the *Hansard* you will find a motion by me to get these drug counsellors way back when I first entered this House. Check it! But for the sake of clarity I want to tell that man over there and tell the House, I will repeat, that the Centre is doing a fairly good job with the few staff and other resources which they have but according to staff members there, they are only able right now to take care of a variety of counselling ranging from marriage counselling to problems of incest. This is what Mr. Jones' time is taken up with.

The staff there tell me that there is no running treatment programme for addicts. They are seen on a one-to-one basis and this is because there is no drug counsellor to run the programme. I am only telling the House what was explained to me by the people of the Centre. Why would that man over there think up all of these foolish figures and come to this House trying to make people believe differently?

I am not blaming the people at the Centre. I thank God that we have them. All that I am saying is that they cannot take care of the problem. We will see in a few minutes and we heard from the contradictions of the Member for Education as against the Member for Health, and we understand why we are not getting anywhere. The two of them are lost in the wilderness.

The Member for Health is responsible to get a full complement

of staff to run the programmes if he is concerned enough. Yes, I have chastised him because we do not have that post filled which that counsellor left in August last year. You want to tell me that that Member rushed the Health Authority to get it brought to this House, rushing everything else but he could not have gotten the one drug counsellor who is needed? His time is spent on other matters of a more lucrative nature, that is why.

He tried to say a lot about the total number of visits for the year. I am not concerned about the total number of visits. My concern is, and I will say this the amount does not mean a whole lot because it is the actual number of people who are getting treated that matters. As Mr. Jones told me, one person when you look at the statistics could actually mean that that one person when a lot of times for the week and when that is totalled as visits, the figure of course is a large figure. What I am dealing with is people. How many went abroad for in-patient counselling and so on and how many were sent to the Counselling Centre from the Courts? So when it comes to his tirades about his programmes at the Counselling Centre he is not convincing anyone because everyone admits that yes, the Centre is active but it is short on drug counselling for the user in comparison to our large problem.

Now what needs to be done is for the Member to stop carrying on like a water-head baby and do what his plan says if he wants to be able to reach more people. The Member referred to us not reading his plans. Here we have one which is entitled "Health and Social Services, Cayman Islands Government, National Needs Assessment for Alcohol and Drug Abuse Programming", and the other one is "A Five-year National Plan for the Prevention and Treatment of Drug Abuse in the Cayman Islands." I have been reading them for a long time, but it is very hard when considering the number of consultants that that Member has had, the amount of money which has been spent on consultants who produce these large documents. It would take a year to read them!

I want to find out from him why he is not following these reports and his plans? His plan says that they need to develop group therapy sessions in addition to the one-to-one counselling to provide wide access to services. Yet, as I have been saying, at the Centre when it comes to drug counselling it is only done in the one-to-one fashion. Why does the Member not rectify that?

He says he cannot do everything in one year. This is four years, not one year. For four years this Member has had this plan. He tabled it here in 1989, not one year. His plan says to increase out-reach to the districts. For what? It says to enhance availability and accessibility of treatment, and this is the part that really gets on me, for these plans say to increase out-reach to the Sister Islands. Has he done this? I do not know of any counselling centre in Cayman Brac and this is four years ago. Four years ago. Is there one? I ask the two Elected Members on the Backbench from Cayman Brac. The First Elected Member shakes his head and says, "No."

It is that same first Elected Member who gets up in this House and does what the Rundown Play talks about when he is called and the vote is seven, and he is for the Government. It is he who stood up here on Thursday or Friday and said he cannot support me in this motion because the Member is doing what he can. This has been asked for, for four years, not last year or this year. They have said this thing needs to be done in Cayman Brac for four years. But for four years the First Elected Member for Cayman Brac has not brought any motion to try and get these services in the Brac. He admits and he laments that there is a serious problem on the Brac.

In talking to the Member, he admitted to me that there was abuse because he pin-pointed to me a time when he had a young man working for him who was touted to be on drugs. The Police came at 9:00 a.m. in the morning and said that the man was somewhere about at 7:00 a.m. when he had to tell the Police, "Look, you are harassing this man. You are not correct. This man has been on my job site since 7:00 a.m., I have been here with him."

So he cannot come and tell me that I am wrong when I say that there is abuse. The truth is that the First Elected Member for Cayman Brac really does nothing about these kinds of things. If he wants a road through someone's piece of land with a big bend to facilitate somebody, he gets it but he will do nothing about the drug problem.

I am going to seek an amendment to the resolution which says:

WHEREAS the First Elected Member for Cayman Brac has raised the alarm about the increase of drug problems in Cayman Brac;

BE IT RESOLVED THAT Government consider making immediate provision for the institution of a Counselling Centre in Cayman Brac beginning with as many counsellors as is needed."

I am going to move that amendment.

Madam Speaker, the Member for Health made reference in his debate about some centre that he started in West Bay but he claims he could get no community involvement, or that I did not give them any encouragement on it so it fell apart.

I know nothing about any attempts by the Member for Health to start a centre in West Bay. It is an absolute untruth of the worst kind. That is just one of his ways of trying to degrade the two Elected Members on the Backbench for West Bay. I am 100 per cent certain if the Member had made such an attempt in the district there would have been enough help and encouragement from the residents of the District of West Bay. May I ask him, since he said that we would not help him, what happened to the Member for Education? He is on Executive Council. Why could he not have gotten the Member for Health the support he needed? Why blame us?

Both of those Members have large departments, teachers, social workers, a corps of workers that they could have put down there as a Governmental nucleus to get

something done. The facts are and the truth is the Member for Health never made any attempts to have any such centre in West Bay. He cannot tell the truth. The statement he made is an absolute misrepresentation of the truth and he should be ashamed of himself, but that is inherent in him. He cannot help himself. He is only, today, looking to blame someone for the things he should have done these past four years.

The only attempt has been made by myself, supported by the Third Elected Member for West Bay to get a community centre. He did not make any attempts nor did the Member for Education. Since he challenged me to say what I have done to try to stop the spread of drugs and to stop social deterioration, and that I do not offer constructive criticism, I believe that this is as good a time as any to tell this Honourable House about the Community Centre and the programmes offered through that Centre which we proposed but may I ask the Member did he offer any assistance? All that he did was to degrade us on the Floor of the House about it and to put stumbling blocks in my way, he and the Member for Education.

This Community Centre would have helped in a large way to get the kind of community interaction which is needed in a district such as West Bay. We asked him to provide a director for the Centre and two social workers. He laughed at us and came here to say that we did not do anything.

This project is called the West Bay Community Centre, and I want to take the time to tell the House, since I was challenged, about what this is. I will not go through the Objectives but I will go through the Overview and on to some of the programmes. It says:

"We have reached a position in Cayman where the rate of development and the pace of life has brought with it a lessening of our traditionally strong sense of community. As a result there is a great need within our communities for programmed recreation, education and counselling supervised by some professional help but staffed mainly by community volunteers.

While the Centre will serve all age groups, there will be a strong emphasis on youth. The success of the Centre then will depend on a large extent on the kind of support it gets from the community, teachers, social workers, nurses, parents, sports people, older teens, etcetera. It is hoped that Government will provide the teachers and nurses on a part-time and some social workers on a full-time basis.

Government, too, will have to provide some financial assistance to ensure good quality in the programmes. The community and Government working together will cause to evolve over the years a pool of trained staff which is crucial to the continuity of the programmes."

The Centre would have been run by an advisory council which would have been responsible for programmes, financing, fund raising and all administrative matters and the format would have been using the West Bay Town Hall, a large facility and the John A. Cumber School, another large facility and of course we had the school field there for these sorts of things.

The activities were these: a child development project; counselling sessions; better parenting; after school care; arts and crafts sessions; lessons in etiquette; sessions in deportment; environmental information; competitive and non-competitive games; Big Brother and Big Sister programme; cultural events including drama which caters to various ethnic groups; and field trips.

It had three headings: Social, Educational and Counselling and we had for sports after school, outdoor games at the West Bay Playing Field and indoor games such as table tennis, dominoes, monopoly, etcetera, which would have taken place after school and on Saturdays at the Primary School and the Town Hall.

This is a very important prevention policy and programme. This after school care programme would have sought to establish a high quality after school programme for children of the Primary School system, ages five to 13, who might be unsupervised or inactive.

It spoke of summer camp, field trips, career development, job search and even a spelling bee and a child development programme which was a long term programme. Also, health information, personal health, personal hygiene and personal habits; drug use and abuse; sexually transmitted diseases; mental health; the effects of unbridled television and peer pressure; emotions and outlets, personality development, delinquency and alienation; accident prevention and first aid, safety factors, accidents and emergencies; national disasters; nutrition, beneficial foods, balanced diets, and food preparation.

Also a better parenting programme which would have been structured along the lines of the CASA Parent-to-Parent Programme which would have included topics of the family, its structure and functions; social and moral considerations; values and priorities; and in human relations and communications. Then it had peer assistance programmes, job search and consumer education.

This programme would have gone a long ways. This could have been a big thing for West Bay but maybe there was not enough money involved with the project. But if we had gotten Government assistance we could have been well underway.

I have always held the opinion that there must be a nucleus from Government for these sorts of programmes. When I could not get through with those plans, when he threw cold water on it and put stumbling blocks in my path, I went to talk with the Principal of the John A. Cumber School and some teachers, and made preliminary plans for an after school care programme for the district.

A letter was sent out to parents and I understand from the Principal that he got a good response as to the parents using the programmes. In fact, there were over 100 children who would have used the programme. Again, cold water has been thrown on that.

I want to ask them when was the first time that you even heard

about an after school care programme until that West Bay Community Centre was published in the papers? When did you ever hear it come from the Member for Health or the Member for Education? They never used the words after school care and are trying to find another word to get around it to be able to say that that did not come from this side of the House.

That group over there! It is of no use in this Backbench trying to do anything. We have tried. Do not question us about trying.

The Elected Member for East End brought a resolution to the House which I seconded, trying to get better interdiction, a coastal patrol. What have they done about it? They do not have a boat. So do not get up in this House and say that this Backbench did not try. We tried but if it did not come from them then it is no good.

I want to turn now to the Member's claim that it is cheaper to send people overseas to his friends in Minnesota than to have an in-patient facility and a halfway house in these Islands. I will prove to this House that the only way it could be cheaper is if they do not send anyone overseas as what has happened in the past three years. The Member has used some figures of some \$7,140 for 30 days for one person. If we sent 50 people overseas for 30 days it would cost \$337,000. If they went for 90 days it would cost \$1,071,000. Now using his same figure it would cost \$4,284,000 for 50 people for 12 months. This has to be the most ludicrous situation that we have ever come across.

I want to find out from the Member why is he using this kind of programme? Make him explain that to the House. Why does this large amount of money have to be sent overseas? Let him get up in the House and tell us today that there are no commissions paid.

**HON. D. EZZARD MILLER:**

Madam Speaker, on a Point of Order. I can unequivocally state, without fear of successful contradiction, that no commissions are paid to me or any of my staff for any referrals.

**MR. W. McKEEVA BUSH:**

Thank you, Madam Speaker. I am glad at least that he put that on record. When we look at his figure for halfway house services of \$7,156 for 120 days, or four months for one person, it would cost \$19,679 for one year for one person. For 50 people it would cost just a bit less than \$1 million.

When we take the \$4 million for overseas care for 50 people and the \$1 million for a halfway house for 50 people, it seems to me that this country would be justified in building, renting or subsidising a facility locally if we are committed to doing anything with the habitual user and the addict. It is a lot of money. All that I have said is that there is a large number of cases going through the Courts, much less those in the communities who are unknown for now.

Now their big excuse has been that you cannot force anyone into a rehabilitation centre. This is what he is saying. This is what the Member for Education has said. I say it is a shame because when you look at what the Member said in the introduction of his Drug Plan he said, and I am quoting from the *Hansard* of 7th March, 1989, page 310, talking about his visits to Hazelden. That is an international facility as the Member for Education talks about. "One of the interesting things that we learned on our visit, was that the success rate between people who voluntarily go to the center and people who are forced, as it were, either by family, employer, or courts to go to the center, the success rate is about the same." Now he says this is what he found out when he went there:

"That was very interesting to me because most circles in Cayman believe that if we put in our Legislation the enabling Legislation which would allow Judges or Magistrates to sentence people to a rehab centre, it would be counter productive. The experience at Hazelden, says that it is not counter productive. The difference between the two types of patients only arise in the first two or three days, after that peer pressure takes over and the rehab success is about the same."

Madam Speaker, this is why we are not getting anywhere. You heard the Member for Education this morning.

**MADAM SPEAKER:**

Would you take a suspension at this time, Honourable Member?

**MR. W. McKEEVA BUSH:**

Thank you, very much.

**MADAM SPEAKER:**

The House will be suspended until 2:15 p.m.

**AT 12:46 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:18 P.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on Private Member's Motion No. 1/92, the First Elected Member for West Bay continuing.

**MR. W. McKEEVA BUSH:**

Madam Speaker, when we took the lunch break I was showing the inconsistency of the Government on this matter. I had shown where the Member for Health had said that he found in Hazelden that the experience was that the Judge could order someone to a rehabilitation centre and the success rates were the same. That was in March, 1989. In September of the same year he said and I quote from the *Hansard* 5th September, 1989, page 633 "Experience elsewhere in the world has indicated that 80 to 85 per cent of all cases of drug abuse can be successfully treated on an outpatient basis. . . ." My argument is that it is folly to say



that 80 or 85 per cent of all cases can be successfully treated as out-patients but you cannot do anything for in-patients because the attitude is that there is no cure for them. It would seem to me that at least there would be some success. I am saying that if we can send them and they can be treated successfully as out-patients and as out-patients they roam the country smoking, sniffing, drinking, getting into more trouble and compounding their case but as in-patients they are cared for on a daily basis in groups or on a one-to-one basis to discuss and share experiences. They are evaluated on a daily basis, they are given medical treatment and medical evaluation. Then my question is why can we not send them for in-patient care?

I say that I have never felt that it would be counter-productive for the honourable Court to sentence someone to a rehabilitation centre because as I have said, my argument has been from the first time in this House, if you can force a youngster to urinate to see if he has been consuming then any judge should be able to order them to a rehabilitation facility and some would need out-patient with medical treatment as needed.

Let me make it clear what I was saying concerning the statistics from the Prison. The information I received from the Director says that for 1987 - he gave me statistics for five years and I have the copy here if they doubt it - there were 87 inmates convicted for consumption of cocaine and ganja and 45 were repeaters; 1988 there were 62 convicted for consumption of cocaine and ganja and 33 were repeaters; 1989 there were 60 convicted for consumption of cocaine and ganja and 33 were repeaters; 1990 there were 71 convicted for consumption of cocaine and ganja and 49 repeaters; and for 1991 there were 73 convicted for consumption of cocaine and ganja and 43 repeaters.

As I said, the Court will tell you that consumption charges are urine test charges. This is where I say that over 50 per cent have been repeaters, put in prison because of the urine test. The figures are all here to prove me right. How can the Member for Health try to talk about eight and four people? Where did he get his figures from? Where did they get these figures because one Member of Executive Council getting up and saying that was bad enough but you had the Member for Education who came here this morning saying the motion is riddled with false information. He talked about three persons in December convicted for consumption. They look at the month. We have to look at the whole year and the total figure. He said that this was perhaps someone being over-zealous at Christmas and this is why these people went to prison for the urine test.

Tell me something. Where does this man come from anyway? Where has he been? Both of them, all they ever do in this House is throw confusion on serious matters such as what we are dealing with. They do not try to cure the problem because for two big men to get up here and talk about eight persons being convicted in January without looking at the total yearly figure and then try to tell me that I am doing such a wrong thing, it is no wonder the country is having problems. So it is very clear that the majority convicted at the Prison for consumption of cocaine and ganja were convicted under the urine test and are more than 50 per cent repeaters. That is my argument.

Now if in regard to the population of the Prison they doubt me, let him bring the Director to the Bar of this House and ask him whether or not the repeaters are in the majority for cocaine and ganja. Then bring the Judges to the Bar of this House and ask them, of the hundreds of cases coming before them, how many were for consumption and how was the consumption determined. Ask them, do not take my word for it. Ask them. Do not publish it. Do not let the Member for Health get his hands on because he cannot tell the truth.

Much has been said by the Honourable Attorney General about what the Chief Justice said concerning sentences for drugs. I am really disappointed that there was a roundabout way of trying to discredit the motion by using the word "hypocrisy". Let me assure the Honourable Attorney General and his colleagues that when I bring a motion here to this House it is because I feel that the matter needs to be addressed and I try to speak clearly enough so that they can understand what I am saying and what I am trying to do. When I bring a motion to this House it is because I have had experiences in the constituency from the people I represent that I cannot get addressed. This is why I bring the motions.

The position was put across by the Member for Health that I have some hidden agenda. I have no hidden agenda. You see when I come here to address the urine test problems and the problems of the barefooted boy who has been thrown in prison, I have a right to do it. I do not hide it. There is no hidden agenda. You see, not everyone is like those people who claim to be out fishing on the 50-foot yachts but are dressed up in three-piece suits.

The Honourable Attorney General, I submit, had forgotten to take into consideration one word which the Honourable Chief Justice spoke. That was the word "use". The Honourable Chief Justice said that the increase in less serious crimes is largely attributable to cases involving the use of drugs. The Chief Justice went on to say: "That is the situation which must put in question the efficacy of the sentences passed in such cases.". This is what my motion deals with. It has bearings on drug users, nobody else. When the Honourable Attorney General gets up here and says that it would be hypocrisy to disregard the means by which you are catching those that are consuming because the consumers are the users, there is no hypocrisy in it.

My motion deals with drug users, nobody else, not traffickers. All of the statistics that I have used are those of users, people convicted for consumption or for simple possession and the Honourable Attorney General should be able to advise the House, if they cannot take my word for it, for what simple possession means.

When the Honourable Chief Justice is talking about the number of cases of drug use and abuse, which cases is he talking about? What are the cases he would be talking about? Would he not be talking about the users? Which sentences is the Honourable Chief Justice talking about? He is talking about the sentences in the case of the users.

The Honourable Chief Justice's speech in that section deals

with the cases of the use and abuse of drugs and the sentences passed in those cases. He was not dealing with traffickers, as I have said, or other offenders and the motion is not dealing with them either. I hope that is not what the Honourable Attorney General was saying because if you listen to the argument of the Member for Health, his twisted stories, he was trying to put across the position that what we were attempting here was a free-up of the people, a free-up of the Law, when that is not what we are trying to do. Then the Honourable Attorney General comes and makes that statement that it would be hypocrisy to condone the use if you are going to say that it is against the Law to consume. This is what I am getting at because that section of the Chief Justice's speech deals with the use and abuse, and the sentences and the efficacy of such sentences. So I do not know what they are talking about when they try to throw all this other stuff into it.

I will excuse the Member for Health because he really cannot do any better, that is inherent as I have said but I have to wonder what line my good friend the Honourable Attorney General is taking when he comes across with that sort of argument. Do not question my honesty in these kinds of things because I say to him that I have to live here and my bones will rest here and maybe he will have to go. That is all I am saying but do not question my honesty in this thing because when you are gone Honourable Attorney General I have to live here and put up with the 675 cases.

**HON. RICHARD W. GROUND:**

Would the Member permit a word of explanation?

**MADAM SPEAKER:**  
requested?

Honourable Member, would you give an explanation, as

**MR. W. McKEEVA BUSH:**

An explanation of what?

**MADAM SPEAKER:**

He has asked for an explanation of your statement.

**MR. W. McKEEVA BUSH:**  
explanation.

I thought he was saying that he was going to give an

**MADAM SPEAKER:**

Oh, I am sorry.

**HON. RICHARD W. GROUND:**

seeing as he has directed such a personal address to me.

I was addressing whether it was proper to keep the urine test. I

was under the impression that part of the Member's argument was that the urine test should be abolished. He has now very clearly said that that is not his argument and other Member's have not. So any question of hypocrisy falls away. My argument was addressed to the point whether or not the urine test should be kept and I was saying it should be kept and that to argue for its abolition while keeping the offence of consumption would be hypocrisy. Now that the Member has said clearly that they are not calling for the abolition of the urine test then my argument does not affect him at all.

**MR. W. McKEEVA BUSH:**

Madam Speaker, this is why I took the time to deal with the Attorney General in this matter because I feel that the Attorney General has been following the line of argument used by the Government and not on the merits or demerits of what I bring in this House. This is my argument and this is why I am upset with him because he could not, as he just said, be under the impression that I was saying that we should do away with the urine test because the motion specifically says that Government should take an in-depth look at the present practice of convicting under the urine test to whether this has been effective in the fight against drug use in the Cayman Islands. Furthermore, when I spoke on the introduction of the motion, I made it absolutely clear what I was talking about. I was talking about the abuse.

Furthermore, his colleague, the Member for Education, came along, even though the Member for Health said there was no abuse, and clearly said that, yes, there were some cases of abuse. Those are the few that he knows about. I would say this, that many more people come to me than go to him. So I am saying that the Attorney General must be very clear and must put aside any kind of political leanings when he comes to this House to address that kind of matter because what the impression I was getting from him was that I was being a hypocrite. He has now cleared that up and I really thank him, and we will still be the friends that we always were. But he should do what I already told him to do and take that amendment and give it back to Benson.

**MADAM SPEAKER:**

Please do not use a Member's name in the House, Sir.

**MR. W. McKEEVA BUSH:**

Sorry. Give it back to the Member for Education because I contend that is where it came from and not the Chief Justice.

Madam Speaker, my case is this there were 675 cases before the Court in 1991, and I am winding down this part of the motion. These cases are for consumption of cocaine and ganja and simple possession which the word "possession" means for use. The consumption charges have been brought about through the urine test. That is possible by Law. A large portion of these cases are repeaters.

The Chief Justice says that "this is not getting us anywhere but only has contributed to the over-crowding at the Prison." The Chief Justice said that in his speech. I do not know why the Member for Education wants to get up here and say that this is not so. These are the repeaters who have contributed to the over-crowding so where is that man? He is living in a dream world. The Chief Justice has

questioned why imprisonment and not a fine. This is the aspect of the new measure coming before us shortly which was referred to by the Member for Education, the Member for Health and the Honourable Attorney General. I have said that I am against that amendment that they intend to bring here because it will not help our massive drug problem.

The Member for Education, this morning, confirmed, although the Member for Health had claimed that it will send people to the rehabilitation centre, and declared that that measure will not mandatorily send anyone to the rehabilitation centre. So when they are dealing with that Bill, they have to look at it. I am saying that when you take two ounces of cocaine or two ounces of ganja and you say that you are not going to do something about it or you are making it more accessible to the user, I wonder if they really understand what two ounces of cocaine or ganja is like? Do they know what they are dealing with when they say they are making it possible up to that amount? So it could be anything from two ounces under but up to two ounces. I wonder if they understand how many "rocks" that will be floating around in the districts? But do they care? Do they care?

It is election year and for eight years I have been standing here in this spot and saying send them to a rehabilitation centre. Give the Judges power to order them somewhere. They have done nothing about it. Then the Member for Education gets up in the House in November and says, "We are going to something about it," out of the clear blue sky. Then the Honourable Chief Justice comes and makes this statement in the early part of this year. I have to wonder because it is my belief that that is where it came from. It came from the Member for Education. It did not come from the Chief Justice. The Chief Justice said it but it was the Member for Education's idea.

Political manoeuvres. The blame me. The Member for Health has accused me of bringing this motion because it is an election year. Look at how many motions I have brought to this House in connection with these matters. Look at how many times and in how many debates I have said to them, "Let us do something about it." Their argument was that they cannot do anything about it but all of a sudden the Member for Education, in December, gets up and says, "Yes, there was a time in this country when the Judge had no discretion, you went to jail. We introduced the Community Service Order, put that in place as well as giving discretion back to the Courts. I can tell you we are going to go further because sending people to jail for repeat trips is not necessarily the answer." This is in November.

And they have the nerve to talk about hypocrisy on this side. It is nothing but an electioneering plan that is going to ruin this country. That is what it is. I say to the Honourable Attorney General give the Bill back to the Member for Education, fold it up, put it in his pocket, and tell him burn it to keep away the mosquitoes but do not place this on the youth of this country. But I will have further scope to deal with it and I can announce to the House that I am not going to support it because I know what I have heard in the districts.

**MADAM SPEAKER:** Honourable Member, I have allowed you a lot of latitude in anticipation of the Bill which is before the House. Now I am going to ask you to refrain from further debating that issue, please.

**MR. W. McKEEVA BUSH:** Madam Speaker, I agree with you. You have allowed me a lot of latitude but you will agree that all three of those people speaking on the side of Government brought that thing up and talked about it at some length also and I was only replying to them. But I will bow graciously to your ruling.

**MADAM SPEAKER:** Thank you.

**MR. W. McKEEVA BUSH:** Madam Speaker, if someone is caught and goes to court, he will be fined. This is what they are saying. One of the reasons I have asked for a look at the urine testing method is because of the abuse, which they have agreed upon. Another reason is that the fines imposed have been very high for those repeaters. What happens is that most times I and other Members are approached by our constituents to write letters to the court requesting time for them to pay these fines. I have seen them as being \$1,000, \$1,500 for repeat charges. Ask the Clerk of Court how many times we, as representatives, have written or contacted him to get a stay on warrants because these repeaters cannot pay these high fines. So even the fines are unrealistic and this is what they are suggesting in the measure, a fine for up to two ounces. What I am saying is that we have a lot of repeaters. I am saying send them to rehabilitation. The Member for Health said there is no difference in those who go voluntarily or those that the Judges send. He has said in the *Hansard* that the success rate is the same.

I have not suggested letting anyone free. Taking drugs is a crime but even the Member says that it is a sickness and if believe this and this is what he said in 1989 and since then, "Let the Judge sentence them to rehab." Madam Speaker, I believe that my case is very clear and even the Honourable Attorney General had to get up and say, "Yes, I know what you are talking about."

There are a few areas which were brought up by the Member for Health that I need to refer to. As I said this morning, I am not going to deal with all of his spurious talk. The issue of abortion was raised and this keeps coming up. If the Member for Health wants to legalise abortion, why does he not go ahead and try it? Why does he not go ahead and try it? I know he will not attempt it now because this is what he tried and this is one of the things which caused the split with Government. I would not support him on legalising abortion so what is he talking about? He is not going to get my support on that so he can keep raising it!

When he brought up this abortion issue it was trying to say that I changed my support on issues. The only people who cannot change are two people, that is a fool and a dead man. When he brought the Bill to look at it, I supported the Bill going to the Committee stage so that we could get input from people. When the people came in and contacted me in my district and the facts were put forward, I said, no. If

the Member wants to legalise abortion, let him go ahead.

The question of Chief Minister seems to have come up again but let me tell the Member for Health that I have never been preoccupied with this Chief Minister's post. Every time he gets up in this House this is a topic of his but can you imagine what kind of country this would be if he and other new found colleagues would become Chief Minister? What a mess! These are the persons who, if they cannot have their way, will plan and connive until they destroy. There has been a lot of conniving here of late even to come into my constituency to plan meetings and do some letter writing. But these are the people who get up here and try to make you believe that they are angels. If they want to take the Governor's reserve powers, let the Member for Health and the others tell the people so because then they will have to make a date for independence but they are not going to McKeeva's support. I only wanted one thing from the Governor. I wanted him out of this House and I got him out of the House and I am satisfied with that....

**MADAM SPEAKER:** Honourable Member, I cannot understand the drift of your argument now. We are talking about Private Member's Motion No. 1/92 which is on the Floor of the House. Would you just please confine your remarks to that....

**MR. W. McKEEVA BUSH:** Madam Speaker....

**MADAM SPEAKER:** I realise that you did not debate the Governor's Throne Speech but...

**MR. W. McKEEVA BUSH:** Madam Speaker...

**MADAM SPEAKER:** ...please do not bring it in now.

**MR. W. McKEEVA BUSH:** I do not want to get into any fuss with you, Madam Speaker, but you must remember that I raised this issue. I tried to get you to stop the Member for Health from dealing with it. He brought it up and now I am replying to it. I think that is within my prerogative under the Standing Orders.

**MADAM SPEAKER:** But you have gone at great length. Would you just be shorter...

**MR. W. McKEEVA BUSH:** He was doing the same thing, Madam Speaker. He was doing the same thing. I tried to get you stop him but you know, Madam Speaker, it is funny.... Anyway, as I said, you know, I will let the public be the judge.

Madam Speaker, suffice it to say that if they want the Chief Minister's post let them get out there and tell the people. I am not preoccupied with it. When the time comes, or if the time comes, I believe that our group will have a good person to give the post to but it certainly is not going to be him.

There were all sorts of things thrown into that debate, it even came down to talking about where my support lies. I have never been a "Jack" of both sides. Everybody knows when I was with the Government I was with them. Everybody knows that now I am against them and I have stated plainly and clearly that I am against the Government. I do not eat with them, I do not drink with them, I do not sup with them but I am going to take their seats. That is my position. I agree with you, Madam Speaker, this is a long way from drug rehabilitation and I will just leave it.

I think it has been clearly established that drug abusers have been and are being accorded low priority in matters of rehabilitation in the country and prevention in the districts. I believe that for us to help arrest the problem of drug abuse facing these Islands that we are going to have to do what is necessary even though it will mean more expenditure than what we are spending locally today. One thing is for certain. If this country is going to do anything in regards to rehabilitation of drug users in these Islands, we will have to do something other than give the Courts the power not to send them to prison. That is just a part of it.

In closing, I maintain that if only a small proportion of our population needs help and actually seeks help, then our treatment and rehabilitation services are very imperfectly achieving their purpose. If we are going to leave it up to an individual to seek help, those who enroll for help at the Counselling Centre may be only a very biased sample of the total population of drug abusers. We certainly do not need any consultancy to help us determine whether we are in fact getting ahead. The number of users attending the Centre in comparison to those who have repeat convictions for simple possession and consumption, definitely will, without a shadow of doubt, tell us that our problem is large.

My position is that we need a local in-patient facility. The things I think are necessary are a district advisory council, prevention in education at the district level, and to either rent, purchase or subsidise programmes or build a building and institute proper programmes and see that it is properly staffed for effective in-patient rehabilitation in these Islands. We need the establishment of halfway houses which would operate a phase integration where the individuals move out of the rehabilitative in-patient centre to prepare for re-entry into the community. This curative approach I believe is a more positive approach to life and will eliminate the need to take drugs in order to cope. If they do not do it, as I have said in the beginning, when we are on that side and they on that side are some place else, we will get it.

Thank you.

**MADAM SPEAKER:** The question before the House is Private Member's Motion No. 1/92:

BE IT THEREFORE RESOLVED That Government take immediate steps to empower the Courts to order drug users to a proper drug rehabilitation institution rather than a term at Northward Prison;

AND BE IT THEREFORE RESOLVED That Government consider making immediate provision for the building of a drug rehabilitation centre in the Cayman Islands;

AND BE IT FURTHER RESOLVED That Government take an in-depth look at the present practice of convicting under the urine test to see whether this has been effective in the fight against drug use in the Cayman Islands;

AND BE IT FURTHER RESOLVED That Government take immediate steps to reinstitute the Drug Advisory Council and to formulate it into a statutory body for its effective functioning. I shall put the question.

**QUESTION PUT: AYES AND NOES**

**MR. W. McKEEVA BUSH:**

Can I have a Division, please?

**MADAM SPEAKER:**

You certainly may.

**DIVISION NO. 2/92**

**Ayes: 6**

Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr  
Mr. Truman M. Bodden  
Mr. Gilbert A. McLean  
Mr. G. Haig Bodden  
Mr. John B. McLean

**Noes: 8**

Hon. Thomas C. Jefferson  
Hon. Richard Ground  
Hon. Lemuel Hurlston  
Hon. Norman Bodden  
Hon. Benson Ebanks  
Hon. Ezzard Miller  
Hon. Linford Pierson  
Capt. Mabry S. Kirkconnell

**Absent**

Mr. Roy Bodden

**NEGATIVED BY MAJORITY:**

**PRIVATE MEMBER'S MOTION NO. 1/92 DEFEATED BY MAJORITY.**

**MADAM SPEAKER:**

The result of the Division is six Ayes, eight Noes, the motion is accordingly defeated. The next item is Private Member's Motion No. 5/92, the Second Elected Member for Cayman Brac and Little Cayman.

**PRIVATE MEMBER'S MOTION NO. 5/92**

**POLICE PROCEDURE FOR HANDLING OF JUVENILES  
AND INTERROGATION OF THE PUBLIC**

**MR. GILBERT A. McLEAN:**

5/92 which reads as follows.

Madam Speaker, I beg to move Private Member's Motion No.

"WHEREAS the Juveniles Law, 1990, Law 19 of 1990 provides that a child eight years of age may be held criminally responsible, and;

AND WHEREAS increasingly juveniles are being found in breach of the law;

AND WHEREAS there have been recent cases where juveniles have been arrested, detained and interrogated in connection with violent behaviour, the offence of murder and other acts against the law;

AND WHEREAS in such cases as above mentioned the welfare of the juvenile is of paramount importance;

AND WHEREAS police officers should have available a detailed code of practice for the handling of such cases;

BE IT THEREFORE RESOLVED THAT a detailed code of practice for the police be drafted for dealing with juveniles and be made available at all police stations for consultation by police officers, detained persons and members of the public;

AND BE IT FURTHER RESOLVED THAT a tape recorder and video camera be used during the

interrogation of juveniles and other detainees to record the said proceedings, and that copies of such records shall be supplied upon request to the detainee, his legal representative or his appropriate adult."

**MR. G. HAIG BODDEN:**

Madam Speaker, I second the motion.

**MADAM SPEAKER:**

The question before the Honourable House is Private Member's Motion No. 5/92. The motion is open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. Madam Speaker, this motion is brought to this Honourable House as a result of the conditions relating to juveniles and the Police as it refers to in the recitals in the motion. There is no doubt that from all quarters of this country there are expressions of growing concern about what is happening with juveniles, or what juveniles are doing in this society.

To use the term "juvenile" it might sound to some as abstract. Really, in truth and in fact, we are talking about young people under the age of 17 years. In the Juveniles Law a juvenile is described as a person under 17 years of age. As noted in the "Whereas" in the motion, an eight year old child can be held criminally responsible. I recall when this Law was passed and how very hard the Backbench Members of this House attempted to get Government to change the situation where an eight year old would be held criminally responsible. It was not done and indeed, it still exists in the Law. I think that any society which lives realistically and is conscious that there are different stages in life, an eight year old is a child and should be treated as such.

In the United Kingdom the age of criminal responsibility, as defined in the Children and Young Persons Act, 1963, is set at 10 years. So at least there is a difference there of two years. Two years does make a difference. The child is more mature, can be reasonably thought to be more responsible for their actions but eight years, as presently exists in our society, really causes one to wonder. In our society and under the Juveniles Law, a child under eight years of age cannot, as such if we are referring to the Police and Criminal Evidence Act, be arrested and held by the Police. However, as procedures and detailed laws in our society in some areas are lacking, thus is the reason why this motion is brought to the Government to look at matters such as that.

Young people or juveniles in this country can be held, detained or arrested for various reasons. For example, a juvenile may be held without bail if the charge is one of homicide or of other grave crimes or for example, it is necessary in his interest to remove him from association with any reputed criminal or prostitute. I think as reasonable people we could see the logic or the sense in such instances and few people would disagree with that reasoning. However, it is possible that this might be the opinion of the Police, who are the ones who would have arrested or detained the juvenile and there could well be another person or groups of persons who disagree that that is truly the case as the Police are seeing it.

In recent times there have been a number of instances where young people have been arrested, some held in connection with murder, charged with murder, others have been held simply because the Police wish to hold them for questioning. In a recent case that I have knowledge of there were some juveniles who were arrested in Cayman Brac and also one here in Grand Cayman. The Juveniles Law requires that where a juvenile is so taken, they should be moved to a place of safety. The West Bay Lock-up is designated by the Governor as a place of safety and one of them was taken there.

On what information I could gather from at least two or three of his nearest of kin, that Police Station or Lock-up is really not so designed that the young person or juvenile is really kept separate from the adults and so on, who are also detained or in custody there. Some attempt was made to see that it was done, however, my understanding is that it was really not so designed at the time and it leaves much to be desired for a young child to be locked in that particular jail. The other one was incarcerated at the Lock-up at the Creek Police Station in Cayman Brac. Fortunately, there tends not to be too many persons at any given time there and the information that I have did not say that there were other adult prisoners detained there at the time. Certainly, I believe that that young child suffered certain trauma about being in prison there and from what I have heard the whole situation was not dealt with in the gentlest of fashion where the parents of the child were concerned and the Police in conducting its affairs in relation to that detention.

Madam Speaker, I am convinced that there needs to be a place for juvenile detention in this country. If we should not have one more incident where a juvenile is arrested or commits some act against the Law, it is my understanding right now the numbers who have been in breach of the Law are sufficient to warrant such a place. Certainly if these juveniles cannot be helped in correcting their behaviour, if some of these juveniles are persons who have been turned out of school because of unruly or violent behaviour, the numbers will continue to grow. I would be the last one to advocate incarceration for young Caymanian children be they boys or girls but it reaches a point where that is absolutely necessary.

If this society is to be a caring one with all the construction of the various buildings and facilities which is being done by the Government of the day, surely the need for such a place ought to be seen as an absolute priority. I call on the Government and the Member responsible to take heed of what is happening with our young people and with the juveniles who are finding themselves, in many instances, committing serious crime.

One of the Cayman Islands' priorities at this time is a juvenile detention centre. I understand that there are varying degrees within this whole concept. For even where a juvenile is incarcerated for a serious crime, efforts are made so that that young person has the benefit of some education and some socialisation over and beyond what would happen in an adult prison. I believe that it is possible to build a facility where juveniles could be kept if even for an extended period of time, who are not being punished let us say

for the act of murder but for some other serious offence where they could actually be let out during the day to attend school or to attend instructions in particular skill areas within the school's curriculum and at nighttime they return to the Lock-up.

I think flexibility can be built into the whole concept and various degrees of managing a juvenile who has gone afoul of the Law can be incorporated into one centre or one place for the purpose of containing juveniles who are in breach of the Law. Due to the extent of the increase in juvenile crime it becomes extremely necessary for the Juvenile Law or any other Law which would be appropriate to cover and clearly define how Police should deal with juveniles should be made. In the Juveniles Law, to a large extent, it is clearly set down how the Judges or the Justices of the Peace in Juvenile Court should proceed. It sets down clearly that there are supposed to be adults present, or the Judge can call them and various considerations are taken into account for defining how juveniles should be handled in the Juvenile Court. It is my contention that those same clear Laws are not set down for the Police.

What the Police follow are guidelines. These are guidelines which I would think in general, the Police do observe. Certainly if the information I get is correct, and I have cause to believe that some of it indeed is, there are instances where the best consideration of the juvenile simply is not taken. During the course of this meeting I asked a question which read: Would the Honourable Member say if there is a prescribed procedure to be followed by the Police in detaining, arresting and interrogating a juvenile suspect or offender? The reply was given to the effect that there are clear and well-defined procedures, and I am quoting, "in place which are followed by the Police when dealing with juveniles, whether this relates to their arrest, detention or interview as suspects or when they are being interviewed as witnesses."

The question went on further to refer to the fact that the procedures are set out in the Judges' Rules and administrative directions. There was also reference to the fact that there are in the Cayman Islands what is called Forced Standing Order C9 which again sets down guidelines. I have tried to find out a little about these Judges' Rules and in the text known as Archibald 43rd Edition under the Judges' Rules, I found that the Judges' Rules which came into effect on 27th January, 1964, are not rules of Law. It goes on to say:

"The test of the admissibility of a statement is whether it is a voluntary statement. There are certain rules known as the Judges' Rules which are not rules of law but rules of practice drawn up for the guidance of police officers and if a statement has been made in circumstances not in accordance with the Rules, in law that statement is not made inadmissible if it is a voluntary statement although, in its discretion, the Court can always refuse to admit it if the Court thinks there has been a breach of the Rules."

I am not a lawyer, Madam Speaker, but I understand from that that the Judges' Rules are guidelines drawn up for the Police. If the Police do not follow those Rules they do not break the Law, they simply break the guideline. Even though the Police have not acted strictly in conformity with what the Rule said, the evidence for example, which might be taken from a juvenile can be admitted in the Court by the Judge. It is at the Judge's discretion. The Judge might also say, "I will not admit it because you broke the Rule." The Judges' Rules are not Law, therefore, the Police who might infringe on those Rules are not in breach of the Law and therefore, whatever penalty there may have been under the Law does not exist for the Police in that particular instance.

One of the Judges' Rules I think very comprehensively sets down what should happen when children and young persons are being interrogated by the Police and I would just like to read it.

"As far as practicable, children whether suspected of crime or not should only be interviewed in the presence of a parent or guardian or in their absence some person who is not a police officer and is of the same sex as the child. A child or young person should not be arrested nor ever interviewed at school if such action can possibly be avoided. Where it is found essential to conduct the interview at school, this should be done only with the consent and in the presence of the head teacher or his nominee."

I have no disagreement with that particular instruction or guideline within the Judges' Rules. I think it is very reasonable and sets out, in detail, what should be a proper consideration taken into account when young people are being interviewed or interrogated. However, there is an instance where again, a confession was taken from a young boy of 14 in the absence of parents and in breach of the directions to the Police. The case is "R" versus Roberts. The 14 year-old was convicted of murder and he was interviewed by the Police without a parent or independent person being present. The Police believed that he was unlikely to tell the truth if his mother was present and said that he expressly asked that she not be present.

According to the Police, "R" made an oral statement of guilt which was repeated and taken down in the form of a written statement and signed by him. "R" did not allege oppression by the Police. He said he made no oral confession and though he signed the written statement it was not dictated by him. The Judge ruled that the statements were voluntary and that there was no ground for excluding them. So there is on record and there are cases which show the Police may get confessions or take evidence which is not taken in conformity with the rules or the guidelines. This particular case was appealed and in the appeal inter alia, were that the statements were inadmissible because the questioning of a person of the age of 14 without a parent, guardian or independent person being present, raised the presumption of oppression. However, the Appeal Court held that the absence of a parent and non-compliance with the directions which were

merely administrative directions, did not make the statements inadmissible.

Madam Speaker, the point that I would like to make and have referred to those cases was to try to illustrate that unless the Judges' Rules can be copied into a code of practice or a Law called a "Code of Practice for Police Officers" and set down with penalties then the Police can be less inclined to follow the rules where young children are concerned. My concern as a representative and as parent and I am sure the many parents in this country whose children have been in trouble with the Law, is that even though their children have done wrong and broken the Law, they want to know that they are given every understanding that they, the parents themselves, would have given them.

The point is further borne out in some other information I have gotten from a text in which an authority, J.C. Smith, MA, LLB, Professor of Law at the University of Nottingham, has commented. He says:

"It is unfortunate, however, that we should go on pretending that a strict rule exists if this is not so. The Police are generally and understandably reluctant to admit that they do not comply with the rules and a superficial impression may thus be created that strict compliance with the rules is compatible with effective law enforcement when this is not the case. If the Police need the power to question prisoners, it would be much better if this could be openly stated and some provision made for safeguards against abuse. That some safeguards are necessary is indisputable."

By bringing this motion I am saying to this House and I am saying to the Government that because we have a growing problem on our hands with the juveniles in our country, that we should take steps to ensure that the Police have not just guidelines which they, for whatever reason, may not follow as they are expected to do but that these should be codified or set down in a code or procedure in the form of a Law where the Police know they make exceptions to break any one of those rules at their own risk and at the penalty of suffering whatever punitive action there may be.

I do not see the problem going away and unless things should happen overnight to stop the trend in the social deterioration in which our society finds itself, there will be a continuing need for the Police to be in contact with juveniles as juveniles will be continuing to find themselves in breach of the Law. I think that it is time for the Police Force to look at creating a specialised unit within itself designating however many officers, three, four, a half dozen, some female and some male officers, who can be given some degree of training in handling young people, some course in psychology as to how to deal with them more effectively with the least mental injury or trauma and that the people of this unit be called into play first when something goes wrong and a juvenile finds himself in breach of the Law. I think it is necessary and it could start right now because we do have the problems at hand.

One complaint which I hear very often from various members of the public who have found themselves in prison or being detained, awaiting trial, or whatever, is that it is so difficult to get bail. I have heard other Members in this House also refer to it from time to time in debating various matters in this Chamber. One of the chief complaints which bothered the parents of the two young children that I spoke about earlier was that they were being held in prison and they could not get bail before they had spent the night there to come back home with them. I think that this denial of bail is bad for an adult and for a young person for it is my understanding that there has to be certain conditions present before people are kept incarcerated or detained.

In the Cayman Islands, from what I understand, there are many, many instances where I have heard legal practitioners declare that they are convinced a person has been held wrongly and unreasonably in prison when they could have been allowed bail. In the United Kingdom I am told that there is a Bail Act which sets out quite clearly what must be done in instances where persons are incarcerated or detained and when bail can be granted and when it cannot be granted.

At the last meeting of this House the First Elected Member for West Bay brought a Private Member's Motion which asked for the Government to look into both the Police Criminal Evidence Act and also the Bail Act which would bring us more in line with what is happening in the UK, which from my understanding takes a more realistic and proper look at what the Police can and cannot do and where bail is refused or is granted. I am told that the Police will normally invoke section 16(1)(c) or (d) in the Juveniles Law when they wish to hold a juvenile and not grant them bail. Subsection (c) says the Police may hold a juvenile when:

- "(c) the officer has reason to believe that his release would defeat the ends of justice; or
- (d) he is of the view that the juvenile should be kept in custody for his own protection or welfare."

I am told that simply invoking those sections is not sufficient and that there has to be real cause for the Police to arrive at those conclusions. If a child is being held for his own protection, the police officer must have reasonable grounds for so believing and it is an objective test and that further detention must be necessary to achieve the aim as stated. That means that it must not be possible to achieve the aim any other way. So it should not be the case that juveniles are detained in custody or not granted bail flimsily, and that there has to be just cause and reason.

That is in the Law and I believe that a code of practice can be developed for the Police to follow which can clearly set out what must be done and how it must be done and that that information can be made available at all Police Stations for consultation by police officers and detained persons and for members of the public who may wish to go and refer to a copy of it.

Madam Speaker, the other "Resolve" of this motion seeks to



take into account various representations made to myself and I believe other Members of this Chamber, certainly of the Backbench, that when statements are being taken from detained persons or persons arrested, or persons taken in for questioning, they are not always taken in what might be considered a proper manner. I have heard many complaints about this situation.

Most recently, someone was telling me that they went to the Police Station to be questioned and they told the Police that they did not wish to make any statement but the Police said they had to put certain questions to them and so they did, however many it was, they put the questions to them. The person told me he did not answer any of the questions and after the questioning was over the Police asked him if agreed that they had put the questions to him and he said yes. The Police then said to him, "Well sign this then," the statement to that effect. The man said, "Am I going to get a copy of the statement?" The police officer said, "No, this is for our records." So the man told me that neither did he answer the questions and he told the police officer that he did not wish to sign the questions which were put to him because he could not get a copy of them. I believe that where truth lies, people who are acting in a proper manner and asking questions honestly or making statements truthfully, there is no problem with those statements or that interview being conducted and taken down on a tape recorder.

The "Resolve" too, of this motion asks that a tape recorder be used when a juvenile is being interrogated or other detainees which could mean adults as well. If that is done, for one thing, it does not require the Police at that point in time to laboriously write down each question he wants to ask. A tape recorder is set on the table between the person being questioned and the police officer. The police officer can ask whatever question he chooses and the person replying can give whatever answer he believes is correct, or is so minded to give. This creates an instant record.

I have been able to do a little research to find that tape recordings can be allowed in evidence in criminal proceedings. I found in *Halsbury 4th Edition* 'Tape Recordings' where it says: "A tape recording is admissible in evidence provided that the accuracy of the recording can be proved. The recorded voices can be properly identified and the evidence is relevant and otherwise admissible. However, that evidence should always be regarded with caution and assessed in the light of all the circumstances." I think those last few words warns one that a tape recording can be tampered with and so it is necessary for the Court to assure itself that the recording is a true one and there has been no tampering with it whether the recorder has been turned off at some stage or not or whether it has been spliced and so on. To have it recorded has to be an easy way and it is also an instant record. The typist can always go and type what was said but it is immediately available.

The motion also asks that such recordings be available to the person who is being interrogated after it is all over. I cannot possibly conceive or believe that the Police have any more right to taking a person and interrogating them than the person who is being interrogated having a right to say to the police officer, "Okay, you interrogated me, you questioned me, I would like to get a copy of that record." It seems to follow. It is a perfect balance. I think that justice and fairness is not being done where that is refused, as I understand it presently is in many, many instances.

In addition to a tape recorder, the motion asked that the interrogation room or wherever is used and the interview room, as I hear it referred to in some instances, I think personally that the word "interrogation" gives a more vivid picture of really what happens in those instances than simply a mild sounding word such as "interview." The motion also asks that a video recorder be present in that room so that not only is it being recorded on the tape but a very unemotional and unblinking witness is sitting on the wall and observing everything that is happening. I think that creates a condition of purest honesty on the part of all parties concerned. It will show visually what the police officer is doing and is saying, and what reaction or action the person being interviewed, or interrogated is displaying. The two together definitely could remove a lot of suspicion that is presently felt and stated about the way the Police conducts its business.

Such a move by the Police would immediately, I believe, bring about a change in attitude both in the Police and in persons who are being interrogated for certainly a defendant would not be able to say that the Police pushed him over in the corner and banged him against the wall or threatened him or promised him something if he would make a certain statement. It would all be there both in sound and visually.

I think it could be extended to people who are taken in for breathalyser tests, driving while intoxicated. Certainly the unblinking eye of a video camera would show the glassy eyes of someone who was intoxicated and would show them stumbling or whatever, if they attempted to walk. It would record both the sound and the visual aspect of slurred speech. So I believe that these two tools for making recordings and creating records would make every difference in our country should these be adopted by the Police as this motion asks.

I have also been able to find some evidence that this is not an abstract, an unheard of thing, where the practice in the United Kingdom is concerned though not necessarily in the exact way as the motion is asking for. Under the Police Powers, A Practitioner's Guide by Howard Levinson and Fiona Fairweather, under the section "Questioning and Treatment of Suspects" it is also noted there that there can be tape recordings of interviews. Of course there are various conditions set down where this is recommended or allowed but the point I am making is that it is not some far-fetched and horrid idea because it is being practiced in the United Kingdom, which we generally follow.

Video taping is also covered there. The question of tape recording is section 10 and the video taping is referred to in section 11. It is short where it refers to video tapes and I would just like to quote it.

"The Judicial Committee of the Privy Council has held that if the Police want to make a video

recording of a confession including a reconstruction of the crime, they must give the accused the proper warning and that participation is voluntary and the recording must be made as soon as possible after the confession. The accused must be given the opportunity to make and have recorded any comments on the film."

I am saying that use is already being made of tape recorders and video tapes in the United Kingdom in the instances as I have identified and quoted here. Certainly I can see nothing unjust or improper in us being so farsighted and so wise to simply use two tools of recording to bring about improvements in our judicial process or legal process.

Madam Speaker, I am certainly one of many legislators who is concerned about the present position of the Police and the Police conduct versus the public. If we do not, in this country, find ways and means, tools, to use to straighten up and straighten out the problems which are now occurring they are going to continue to increase.

Dealing with the problem is not simply increasing the numbers in the Police Force. I submit that it is reasonable, practical thinking and finding ways and means to do things to institute practices and procedures which can give us the results we need at the minimum price that will have the largest benefit. Never before in our history has there been so much suspicion and criticism regarding our Police Force. In turn never has there been in our historic time when there has been so many breaches of the Law. A solution has to be found. It has to be a solution which is fair to both sides, the public and those persons whom we the public put our trust in and given them the right to be the enforcers of the Law upon an over the rest of us.

So I trust that I have been able to set out the reasons for this motion and have been able to show the reasons why it is practical and desirable and I trust that all Honourable Members will support it and that Government will accept it. Thank you.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 4:00 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:17 P.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on Private Member's Motion No. 5/92. The Honourable Second Official Member.

**HON. RICHARD W. GROUND:**

Thank you, Madam Speaker. Madam Speaker, I want to address my response to the Member for Cayman Brac by concentrating on the two parts of the proposed "Resolution" section of the motion. The first is that there be a detailed code of practice for the Police to be drafted for dealing with juveniles and be made available at all Police Stations for consultation by police officers, detained persons and members of the public. The second part of it is that a tape recorder and video camera be used during the interrogation of juveniles.

Concentrating on that first part, to begin with the Member, in his presentation, very clearly and ably, if I may say so, did address the present existing rules which apply to the questioning and detention of juveniles. He read out for us, helpfully, the Judges' Rules as they apply and explained their tenor and effect and did so accurately. I have no question or argument with him over the accuracy of both his interpretation of them and of their effect.

The provisions governing the interrogation of juveniles go a little further than the Judges' Rules themselves, at least in this jurisdiction, because the Judges' Rules have been embodied in and improved upon in Forced Standing Orders. Those Standing Orders, as they concern juveniles, are contained in Standing Orders C9. They were distributed to Members in answer to a question earlier in this session. I would like to direct attention to them and to just read some of the relevant ones. Before doing so, I would like to say a word about what Standing Orders are.

The Commissioner of Police has power under section 6 of the Police Law from time-to-time to make Standing Orders for the general government of police officers and in particular for preventing neglect and for promoting efficiency and discipline. A Standing Order is exactly what its name suggests it is. It is an order from a senior officer, in this case from the Commissioner, and is an order which applies to all police officers at all times, hence it is a Standing Order and does not have to be repeated every time it is to be obeyed. Just like any other lawful order breach of it by a police officer is a disciplinary offence and can be punished under the Police Regulations and that part of the Police Law which deals with discipline.

The Police Regulations, 1976 lists the offences against discipline. It is worth just noting that they are listed alphabetically and that there are so many of them that the draftsman ran out of alphabetical letters. He went from A through to Z and then had to start at AA for the next lot and they go right through to II.

There are an awful lot of things that a police officer can do which can lead to disciplinary sanctions being taken against him and may result in his suspension or dismissal, fining, reduction in rank or a variety of penalties which may be imposed upon him. So it is perhaps a little unfair to suggest, as the Member did in making his presentation, that there are clear Laws for juveniles before the Courts but no clear Laws for the Police. In fact, there are clear and elaborate provisions that govern almost every moment of a police officer's conduct and for which he can lose his job and lose his job under circumstances of disgrace if he breaches them. But I digress on that.

I was just going to mention that under Regulation 6(b) of the

Police Regulations it makes it an offence against discipline to willfully disobey a lawful order. That offence, if constituted, gets dealt with by disciplinary hearings conducted by the Commissioner as set out in the substantive part of the Police Law.

Having said that let me turn to the details of Forced Standing Orders C9. It is headed "Juveniles - Special Procedures. It has 15 paragraphs in it. The first says: "1. Whenever a juvenile comes into police custody, it should be remembered that such juvenile should be afforded all the rights allowed to an adult.". That of course includes the right to legal representation. The second rule is:

"2. In addition, juveniles enjoy further rights and considerations which have to be complied with.

3. The Judges' Rules lay down the principles of dealing with suspected or arrested persons and the Administrative Directions which accompany those rules give guidance on the interrogation of children and young persons.

4. One of the main principles is that as far as practicable, children (whether suspected of crime or not) should only be interviewed in the presence of a parent or guardian or, in their absence, some person who is not a police officer and is of the same sex as the child.

5. A child or young person should not be arrested, nor even interviewed at school if such action can possibly be avoided.

6. Where it is found essential to conduct the interview at school, this should be done only with the consent, and in the presence of, the head teacher or his nominee."

Madam Speaker, so far those are more or less, the Judges' Rules reproduced but they are reproduced in a context that means the breach of them may lead not only to any evidence so obtained being rejected by the Courts but also to disciplinary proceedings under the Police Law in the Police Regulations.

The next four rules I will not read because they relate to how to treat juveniles in relation to care proceedings. But Rule 11 becomes relevant again and says:

"11. By virtue of section 25 of the Police Law, any police officer may cause to be taken photographs, fingerprints, etcetera, of any person in lawful custody for any offence punishable by imprisonment whether such a person has been convicted of such offences or not.

12. Where such photographs or fingerprints are to be taken of a juvenile, then this should only be carried out in the presence of a parent or guardian, etcetera.

13. This procedure is not specified in law but is a common practice carried out by the Royal Cayman Islands Police."

A clearer declaration of what the applicable code is, in my submission, just could not be asked for. Rule 14 deals with bringing juveniles before Court. It says:

"14. Whenever a juvenile is to be brought before a court, for whatever reason, the relevant notification form is to be completed and forwarded to the Social Services Department at a reasonable time BEFORE such date.

15. When a juvenile is to be served with a summons requiring his/her attendance at court, service of the summons must be effected in the presence of a parent or guardian, etcetera."

So those are the 15 Rules of the Police's existing code of conduct reinforced by disciplinary sanctions which govern the treatment and in particular the interrogation of juveniles.

It is the position of Government that those Rules are sufficient to meet the case and are sufficiently effective and already meet the demand made by the Member moving the motion. Because of that Government is opposed to the first "Resolution" in Motion No. 5/92. They are opposed to it not because it does not agree that there should be a code of conduct but because it says that there is a code of conduct and it is sufficient.

The sufficiency of it or not may be showed in part by the Member's agreement that the Judges' Rules themselves provide an adequate code. As I understood his argument, the Judges' Rules were all right but lacked sanctions for their breach and he referred us to some cases in which the Courts had not rejected evidence obtained in breach of the Rules. He went on to say that we should take steps to ensure not just that there are guidelines but they be codified into a Law. I summarise what he said but I think I have it right that they be codified into a Law where there are sanctions.

Madam Speaker, the response to that is that the disciplinary sanctions established for breach of Standing Orders are themselves adequate and sufficient sanctions.

There is a point beyond that and it is this. The House and Government are being urged by other motions to look at the Police and Criminal Evidence Act in the UK to follow

the procedure there of specifying codes of conduct. Government agreed in the last meeting that it would look into this.

As part of that I have looked at the codes of conduct for the treatment of detained persons. I have in my hand a book called "A Guide to the Police and Criminal Evidence Act, 1984" published by Butterworths and edited and written by two gentlemen named Vaughan Beven and Ken Lidstone. Members can see that it is quite a thick book. It sets out the Act and adds at the end of it the codes of practice.

I have looked through the code of practice for the detention of persons generally and that has in it various specific provisions that relate to juveniles. I can say that they do not substantially go beyond what was required under the former Judges' Rules, at least not as far as they relate specifically to juveniles. In other words they require the presence of an appropriate adult that is defined as a parent or guardian, or in their absence a Social Worker or whatever during interrogation.

Now the draft...

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

**MADAM SPEAKER:**  
finished shortly?

Excuse me, Honourable Member, it is now 4:30 p.m. Will you be

**HON. RICHARD W. GROUND:**

I will not be finishing. I could just finish making this point if the House would give me a minute to do that. The codes of practice under the Police and Criminal Evidence Act are just what it says. They are codes of practice. The question arises are there sanctions for their breach in the United Kingdom and the answer which comes back is, no. I am reading from the book at page 23:

"The codes do not bind the Courts. Their effect is as follows: -

First, breach of a code does not of itself lead to legal liability for the transgressor. However, a Court may take a breach into account in subsequent proceedings for example, in deciding whether to admit evidence against an accused in criminal proceedings or in determining the guilt or civil liability of a police officer or of any other person governed by the code. The breach of a code does not have to be considered by the Court. Indeed, it is highly unlikely that a Court will pay anything more than fleeting attention to breaches of minor aspects of the codes.

Secondly and more importantly, a breach of a code is a ground for a complaint against the Police under Part 9 of the Act and may also lead to disciplinary proceedings against the offending officer, for breach of a code is a disciplinary offence."

Madam Speaker, the position in the UK now under the Police and Criminal Evidence Act is more or less the same as it is here now under our Standing Orders. Breach of the code of practice under the Standing Orders is not a criminal offence but may give rise to disciplinary conduct against the police officer and of course it will be relevant in determining whether the evidence is admissible and whether, should the aggrieved person seek to bring action for wrongful arrest or one of the other torts relating to police conduct, would be relevant in making out that claim of civil action, a right which is always available to any person. I have made that point and I would now break, if I may.

**MADAM SPEAKER:**

Thank you.

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, as we are not meeting tomorrow and Wednesday is a holiday, I move the adjournment of this Honourable House until 10:00 a.m. Thursday morning.

**MADAM SPEAKER:**

The question is that this Honorable House do now adjourn until Thursday morning at 10:00 a.m. I shall put the question.

**QUESTION PUT: AGREED.**

**AT 4:33 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
THURSDAY, 5TH MARCH, 1992.**

**THURSDAY,  
5TH MARCH, 1992  
10:10 A.M.**

**MADAM SPEAKER:**  
Environment, Recreation and Culture.

Prayers by the Honourable Member for Education,

**PRAYERS**

**HON. BENSON O. EBANKS:**

Let us Pray.

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.

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

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:

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:**  
resumed.

Please be seated. Proceedings in the Legislative Assembly are

**APOLOGIES**

**MADAM SPEAKER:**

I have an apology from the First Elected Member for Cayman  
Brac and Little Cayman for absence at this morning's Sitting. He hopes to be in during the afternoon.

Member for Education - Community College of the Cayman Islands  
Presentation of Papers and Reports, the Honourable Elected  
Cayman Islands Financial Statement.

**PRESENTATION OF PAPERS AND REPORTS**

**THE COMMUNITY COLLEGE OF THE CAYMAN ISLANDS - FINANCIAL STATEMENTS FOR 1990**

**HON. BENSON O. EBANKS:**

Madam Speaker, I beg to lay on the Table of the Legislative  
Assembly the Audited Financial Statements for the Community College of the Cayman Islands for the year 1990.

**MADAM SPEAKER:**

So ordered.

Elected Member for Education.

The National Trust for the Cayman Islands 1991, the Honourable

**THE NATIONAL TRUST FOR THE CAYMAN ISLANDS -  
TREASURER'S REPORT FOR THE YEAR ENDED 31ST AUGUST, 1991,  
TOGETHER WITH THE 1991 ANNUAL REPORT**

**HON. BENSON O. EBANKS:**

Madam Speaker, I beg to lay on the Table of this Honourable  
House the Treasurer's Report of the National Trust for the Cayman Islands for the year ended August 31, 1991, and  
the Annual Report of the National Trust for the Cayman Islands 1991.

**MADAM SPEAKER:**

So ordered.

No. 5/91. The Honourable the Second Official Member continuing the debate.

We will proceed to Other Business - Private Members Motion

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 5/92

#### POLICE PROCEDURE, FOR HANDLING OF JUVENILES AND INTERROGATION OF THE PUBLIC

(Continuation of debate thereon)

**HON. RICHARD W. GROUND:** Thank you, Madam Speaker. When we broke at the end of the day on Monday, I had been addressing the first section of the Resolve part of the motion that a detailed Code of Practice be drafted for dealing with juveniles and I had, in response to that, said that we do have a Code of Practice that is embodied in the Judge's Rules and the Police Standing Orders and that that Code of Practice is very similar to that that applies in the United Kingdom (U.K.) under the Police and Criminal Evidence Act and that there are sanctions for breach of those Standing Orders. The sanctions being that a police officer involved in a breach will be subject to discipline and in an appropriate case, to dismissal. Also, breach of them may give rise to civil action by the person harmed by the breach against the authorities and that that position is the same as the position in England and I had read out a section from a textbook on what the U.K. position was.

Before leaving the question of a Code of Practice and moving on to the second limb of the motion, the limb that calls for tape recording and video recording, I wanted to deal with one other aspect that arose under the question of a Code of Practice.

The Member moving the motion referred by way of example to a recent case in his constituency where two juveniles had been detained overnight in the course of a police enquiry. I looked into that particular case and have spoken to the police officer in charge, looked at the records of interviews in it to see whether the Code of Practice there was broken or whether anything improper happened and I can say right away that it appears that the rules were followed and followed carefully.

I do not want to get too much into details of the case, but I should say from the outset that it was a case that concerned the most serious type of criminal allegation possible and it was alleged that two young people had admitted to school fellows of a very serious and quite horrific crime. As a result of that, the police were bound to investigate and they determined that as part of their investigation it was necessary to isolate the two young people concerned while they questioned their school fellows to find out whether they had in fact made the admissions that were alleged against them.

Though the final decision on the case has not been made, the police enquiries did clear up the matter and it is probable that these young people were not so admitted to this crime and were not responsible for it. However, the police did not know that when they began their investigation. The investigation was under the charge of a Detective Chief Superintendent, which is the most senior operational officer possible and that, in itself is an important safeguard with certainly a more senior officer than would have been required under the U.K. Police and Criminal Evidence Act to have conducted this sort of an investigation. He determined, as I have just mentioned, that it was necessary to isolate the young persons concerned and each was held in custody, separate from each other, one in Grand Cayman because he happened to be here, and one on the Brac overnight and during the course of one day while these enquiries were conducted and then the young people concerned were interviewed.

At the end of the other enquiries when the police had got a feel for what was going on, they were then interviewed. The interviews that were conducted were in the case of the young person who was here, in the presence of his grandmother, the parents not being immediately available, though they did attend at the Police Station, I understand, after the interview.

In the case of the young person on the Brac, in respect of which I gather from the Member that the most cause for concern arose, he was interviewed in the presence of his mother as required by the Code, and as an additional safeguard, in the presence of the Brac's Social Worker. All the safeguards required by the local Code of Practice, by the Judges Rules and all the safeguards that would have been required if we had been in the United Kingdom and the Police and Evidence Act applied.

At the end of those interviews and after other administrative matters, the police came to a view as to whether it would be proper and safe to release the young people and did release them. In other words, at the close of the police enquiries they were released. They had been held in custody during the course of the enquiry because to release them might have defeated the ends of justice and might have interfered with the course of that enquiry. One has to look at it from the way the police were looking at it. Coming cold to the situation, they had to ensure that the young people did not get together to concoct a story, they had to ensure that they did not bring pressure to bear upon their school mates so as to influence their evidence - two vital considerations.

An investigation of this seriousness, and the decision was taken by most senior officers that they should be kept in custody for this relatively short period. It was not done flimsily, I can assure the Member in this case. It was done for good cause and in the circumstances of this case, proper cause. The Member mentioned that a complaint had been made to him by one of the parents concerned that the young people should have been admitted to bail and not held in custody. For the reasons I have set out it would have been inappropriate to release them earlier than their own interviews.

Reference was made to a Bail Act. Had we had the U.K. Bail Act here, it would not have affected the outcome of this case. That Act specifically allows the police to retain people in

custody for short periods if to release them would interfere with the course of an enquiry.

The question of the introduction of a Bail Act here, I would just like to address because it was the subject of a Private Member's Motion at our last meeting and Government undertook to consider the introduction of a Bail Act. I am happy to tell the House that we are well advanced in the drafting of a discussion draft based upon the U.K. Act. It has taken slightly longer than we expected because fitting it into our other procedures here has required more background work than was anticipated. We have different legislation from the U.K. relating to criminal procedure and we have had to modify all the cross references but that is now well advanced. We are near to finalising a draft which can then go out to interested parties to see what they say. We are as closely as possible seeking to translate the U.K. Bail Act into Cayman terms and in particular, to keep what I think it was that the Member moving the motion most wanted and in particular to keep the statutory presumptions in favour of bail which are a characteristic of the English legislation. Provided that the consultation process does not take too long or throw up too many glitches, I hope that we will be in a position to bring that document to the House in June.

I would now like to turn to the second limb of the motion, the one that calls for tape recording and videoing of juveniles and other detainees to record the proceedings. I have no doubt that sometime in the end we will have tape recording and videoing here. However, I do not think that now is the time to do it and I think that it will require much more consideration, preparation and expense than the short-terms of the motion allows for.

Tape recording was, as the Member pointed out, introduced in England. It was provided for in the Police and Criminal Evidence Act in 1984, and then following that they carried out a series of pilot projects with the installation of equipment in certain selected police stations to see how it worked. The programme has then gradually been extended from there. I believe it has worked well, and I believe that the police have found that in the end it does benefit them because it cuts out an awful lot of objections that are now made to confessions because the accused finds that once the thing is on record, the objections that can be made to written documents are really cut away because everyone can see clearly what happened. So it does have benefits and I have no argument with the Member about that.

However, its introduction in the U.K. was a long quite difficult process. It was not done over night, as I say, pilot projects were first run on it, nor is it simply a matter of sticking a tape recorder down on the table between the interviewing officer and the suspect.

The quality of the tape recording has to be good to make it admissible and to make it useful. A tape recording that is bedeviled by background noise, that is obscured every time someone coughs or moves, is quite useless for the purposes of judicial proceedings. So that to do this thing properly, proper equipment and the dedication of a studio or a room that is suitably equipped and suitably soundproofed is necessary. Nor is that the end of the matter. Once the tape has been created it has to be safe-guarded for production at Court. I found that there is a great suspicion in Courts and with defense lawyers about tape recordings. As the Member moving the motion pointed out, they are admissible in evidence and even informal tape recordings can be admitted if the circumstances can be proven and if the genuineness of the tape can be proven. That simple statement of the law gives no hint of the trouble that one runs in to when you try and introduce a tape recording into a criminal case and the burden of proving its genuineness has up to now been high. Much of that can be got around by the use of proper facilities.

The other way of dealing with those objections is to ensure the security and custody of the tape. That requires a system, it requires a custody officer and it requires a place for safe keeping to ensure that the tape is not interfered with. It is much more difficult than ensuring that a written document is not interfered with. Though just not those two practical considerations, there is also the training consideration. There are differences between interviewing someone on tape and interviewing somebody when you are taking a written record. For one thing the interview moves much more quickly, an interview where a written record is taken tends to be rather stultified. Everything has to be written down carefully and the suspect has plenty of time to think about his answers.

An interview on tape is much more fluent. It flows much more quickly and is therefore much more difficult to conduct for the police officers. It is going to require considerable training of the officers concerned to make it work properly and to ensure that it is an asset to the administration of justice and an asset to the police who have an interest in this. For those reasons Government and the police do not advise that it is appropriate to do this now straight away. It is something that will come up in the consideration of the Police and Criminal Evidence Act that was part of the motion that Government accepted at the last meeting. In the course of that it is inevitable that the police will have to look in some detail at the possibility of introducing tape recording. But to short circuit that consideration and seek to rush ahead and do it now in the absence of that consideration, would, Government feels, be wrong and so are voting no or opposing this aspect of the motion on the basis that we are simply not ready for this now.

I should make it plain to the Member that in saying this it is not to reject the concept of the recording of interviews and to repeat what I said in the beginning of my remarks, that I think it will come some day. That the same remarks apply perhaps even more forcefully to video recording, I do not personally know how far that has been adopted in the U. K. I suspect that there has been considerable resistance to it there and I think that will come after a successful introduction of simple tape recording has taken place and so even more caution should be adopted in respect of that.

So, Madam Speaker, as I say, Government will be opposing both limbs of this motion. It does not do so in the spirit of negativism or obstruction. The reason for opposing the first is that we already have it and the reason for opposing the second is that we have already put in process a system of consideration or train of consideration that will consider this in due course.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, the mover of this motion, the Second Elected Member for Cayman Brac, outlined his case in such a methodical and thorough manner and the objector from the Government Bench made such feeble objections to it that there is hardly any need to continue the debate on the merits of this motion.

However, as there are several things that need to be brought out I take this opportunity, as the person who seconded the motion, to debate it. For example, the main objection to the motion seems to be that there already exists certain Judge's Rules which the Second Official Member believes, if followed, would ensure the proper conduct of investigations regarding juveniles. But this argument had been shot to pieces by the mover of the motion even before the objection was raised because the mover cited one or two cases, and there must be dozens of them, in which Appeal Courts and courts in the U. K., as a whole, did not allow Appeals on the grounds that the police did not follow these rules laid down by the judges.

Some of the cases worth mentioning are Regina versus Voisin, Regina versus Watum, Regina versus Praegar, Regina versus Mae. I do not wish to go into the details of these, only to show that we admit there are rules but our contention is that if these rules are not followed the sanctions that are used against them may only result in some discipline against the officer but will in no way affect the outcome of the case.

If we take time to look at the Youth Services Report, which was done recently, we will see on page 3 that the number of youth related crimes increased six-fold. This means that are six times more juveniles coming into contact with the police and we also see that there is a large number, for a small Island like this, of juvenile convictions. This is the reason why the Member has brought this motion and why other Members of the Backbench support it.

The Government tries to make much of their recently introduced Juvenile Law which, at the time of the introduction, according to them was going to cure all the ills and iron out all the flaws regarding juvenile delinquency. But their own Report, that is this Social Services Report, on page 33 says that "the Department of Social Services does not support the current revision" of the law which was brought out in 1990.

I am dealing with this because the Government seems to believe that the procedure which they have in their Judge's Rules and in the Juvenile Law are being followed. This is not the case. Page 36 of the Report says "there was no protocol in dealing with child abuse cases.". I realise this might be a case where adults are charged but it is nevertheless, cases involving juveniles. No protocol at all followed.

What is more telling on that page is that the Justices recommend, and I think this Report supports that guidelines be established for procedures governing the performance and style of the police dealing with cases involving juveniles. It reads:

"The Justices then discussed the need for a better setting for the court....a more dignified, yet informal setting....and to establish some guidelines for procedures governing the performance or style of the police, prosecutor and others. There was a need felt for greater tact on the part of the prosecution, and a need to establish deadlines for submission to the courts. The Justices felt that Social Services, police and others were not providing reports in a timely fashion, they did not have the information ahead of time for review, and often, when the court case was on the docket, one or other party was unable to provide information and the court case had to be continued."

We hear constantly from the Juvenile Court that the juveniles are kept in prison an additional week until Social Services can bring a report or until the police can do a further investigation. We are saying that this is simply not good enough. Page 37 of this Report destroys the myth that the Judge's Rules are working at all. And if we look at it you will see that it says there is a lack of communication between Social Services and the police which means that Rule 14 of the Judge's Rules is completely ignored. Page 37 the second paragraph says:

"There was a general feeling that there was a lack of communication between the Court and Department of Social Services and the police criminal prosecution. The Department of Social Services was required to present a probation report before sentencing but that was difficult to do because they frequently did not know when the case was being brought before the Court. It was noted that the Department of Social services was not at fault for the continuation of cases, but rather the police were frequently unprepared to deal with the case."

If we look at Rule 14 upon which upon which the Government bases its case, you will see that this Report completely destroys his argument. Rule 14 says:

"Whenever a juvenile is to be brought before a court for whatever reason the relevant notification form is to be completed and forwarded to the Social Services Department at a reasonable time before such date."

And the word "before" is written in very large letters to emphasise it must be done on time. I maintain this is not followed according to the Government's own Report. So the Government cannot come here and successfully argue that these Judge's Rules are doing what we now ask this motion to do.



We heard this morning about juveniles being kept at the local prisons for adults, the Police Station in West Bay, the Police Station in Cayman Brac and this Report recommends the need for a secure facility or a remand centre in addition to Caring Homes so that juveniles can be isolated from adult prisoners.

I think the Government's argument is making a mockery of the Judge's Rules and the Police Standing Orders. What exists today is a far cry from the ideal and it is common knowledge that the police constantly pick up juveniles on Friday or Saturday so that they can be denied bail over the week-end. This is common knowledge. People in this country are running scared and the Government continues to support this.

There is one other of the four Standing Orders that I think we should look at. That is number 4:

"4. One of the main principles is that as far as practicable, children whether suspected of crime or not, should only be interviewed in the presence of a parent or guardian or in their absence some person who is not a police officer and is of the same sex as the child.

5. A child, a young person should not be arrested nor even interviewed at school if such action can possibly be avoided."

We heard during the Throne Speech debate, and the Government did not deny this, when the First Elected Member for Bodden Town told about a case of a juvenile who he had seen being taken along the street manacled. We do not know if he had chains on his feet as well. But, the Government is tolerating this and nobody dares speak out and the Government just smiles and says, 'let it continue, we have a good Commissioner of Police and he is going to do no wrong in this.'

The Government had no answer at all to what the Member called the second limb of this resolution. The request for an electronic record to be kept of the interview. The Member admitted that this is used at some police stations in the United Kingdom and he thinks it works quite well. The only fear he seems to have is the difficulty of proving the authenticity of the tape when the tape is used in evidence. Yet he choose to ignore the safety feature that is put in this motion which would guarantee the validity of the tape. That is "that copies of such records (that is the tapes) shall be supplied upon request to the detainee, his legal representative or his appropriate adult."

So the motion not only asks that tape recordings be kept, but to guarantee that nobody tampers with the tape and that the defense is not able to say that somebody has tampered with it, that at the time of the taking of the tape, that a copy of a tape be made available to the person detained or to his representative. The Member for Government did not answer this point. He said he is worried about it and people are worried because tapes can be tampered with, but documents can be tampered with too.

We hear about documents disappearing, we hear about documents being tampered with but one simple procedure would make it very difficult to tamper with these tapes because if there is a question at the trial, both tapes could be produced in court and the judge or jury could decide if the tape had been tampered with.

It is my belief that the Government when they know they are wrong, will find an excuse for denying a motion from the Backbench even when they are unable to factually argue against the motion and this motion today is but another in a long series of motions that have exposed the Government's attitude.

The first WHEREAS in the motion is the most compelling reason for bringing this motion to the House. And that is the fact that this here, a vicious law which they have brought here and passed, has made criminals of eight year old children. The entire Backbench voted against that section of the Juveniles Law when it came to the House but to no avail. The Government with its own machinery, was able to force that upon the children of this country.

It has become so bad that the Chief Justice at the last opening of the Grand Court or the Appeal Court, I do not remember which, made a statement that he was surprised that the Government has not amended this draconian law. He said fortunately he has not seen any eight year olds coming before his court charged as a criminal but he believes it is simply because of the understanding of the police and maybe the Social Workers.

This is an indictment against the Elected Members of Executive Council who make policy - eight year old children should not be treated as common criminals. When you hear about a parent who cannot control a six or an eight year old child, there is something wrong and all this motion is saying is that if it so happens that an eight year old is caught up in this fashion by this draconian law, the Juvenile Law 1990, that he be given a fair chance to receive justice and not be taken advantage of.

The second WHEREAS juveniles are increasingly being found in breach of the law. That cannot be denied, all the statistics bear that out. So in concluding, I would like to say that despite the fact that the Member for Government has spoken against this motion, I trust that the Government will reconsider their position on it and during the coffee break they will take a new look at it and decide to do what is right. If the debate does not continue that long, I trust they will request a recess so they can get their act together.

**MADAM SPEAKER:**

Member's Motion No. 5/92? The Third Elected Member for George Town.

Would any other Member wish to continue the debate on Private

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. This motion is one which I would

have thought that the Government would have welcomed and if they needed some time in the implementation that they would have accepted it and said we need a reasonable period of time to deal with it. But, I guess it comes from the fact that it is only extremely rare that Government ever accepts good motions from the Backbench. Conversely, we have continuously accepted and supported laws and motions of Government, perhaps in 90 to 95 per cent of the time and gone against those that we feel we cannot fully support.

The motion calls for two aspects of the Resolution, namely a detailed Code of Practice for the Police in relation to juveniles, and that it be made available to the Police and at Police Stations. When the Juveniles Law was being prepared, it is unfortunate that what I understand from the Honourable Attorney General is now going to come in under the equivalent of the Police and Criminal Evidence Law, the sections dealing with children at Police Stations.

The Law in the United Kingdom, the 1984 Police and Criminal Evidence Act specifically amended the Children and Young Persons Act of 1933, the English Law this is. This is what it provided. It stated that:

"The following subsections shall be substituted for section 34(2) of the Children and Young Persons Act 1933 -

"(2) Where a child or young person is in police detention, such steps as are practicable shall be taken to ascertain the identity of a person responsible for his welfare.

(3) If it is practicable to ascertain the identity of a person responsible for the welfare of the child or young person, that person shall be informed, unless it is not practicable to do so-

- (a) that the child or young person has been arrested;
- (b) why he has been arrested; and
- (c) where he is being detained."

And just a bit more briefly, it goes on to say:

"(4) Where information fails to be given under subsection (3) above, it shall be given as soon as it is practicable to do so.

(5) For the purposes of this section the persons who may be responsible for the welfare of a child or young person are-

- (a) his parent or guardian; or
- (b) any other person who has for the time being assumed responsibility for his welfare."

This goes on to set out in a further six subsections certain aspects relating to the rights of a child when he is detained at a Police Station.

I do not see it in the Juveniles Law of 1990, the nearest that I see to it is section 14 of the Law which deals with attendance at court, where a guardian or juvenile has to be notified. Maybe it may well have been perhaps an oversight because the amendment to it was actually put in a Law that has no direct relevance to juveniles. It was a general law - the Police and Criminal Evidence Act. However, what it has done, is to put in Law what are now administrative guidelines to the Police. We know as the mover of this motion, the Second Elected Member for Cayman Brac, has pointed out that the practice codes and the codes of conduct of police or any administrative codes are really not law and need not be followed.

However, as he clearly pointed out, we know that the court will look at confessions, especially in relation to juveniles, the court is over zealous to insure that everything possible is done to see that juveniles are not harassed or that any confession or statement given, is given freely and in such a way that you should not have juveniles, when taken into custody, brought before uniformed police, they should preferably be police in plain cloths. The question of authority and police stations should not be used in relation to offenses, and naturally there are very serious and there are not so serious offences, which most juvenile offences, I would think, would not be very serious.

The whole idea of dealing with juveniles has been to bring them into an atmosphere in which they are not either dominated or harassed or in which the person or the premises do not cause them to be intimidated or in any way to be subdued in what they are saying. If not, you can very easily intimidate or get nearly anything you want out of a juvenile quite easily if it is a person in authority.

The other side of this is that normally you must have in the presence of the juvenile his parent or whoever has custody of him or her, and also where practicable a Social Services Officer or a Welfare Officer. This is very important and in Grand Cayman, Cayman Brac and Little Cayman I would think that in 99 per cent of the cases it is possible to normally reach someone in Social Services or having found the identity of the child, to find who the parent is and to bring them there. I realise that the police, as the Attorney General as pointed out, follow this as laid down in the Administrative Rules, and that they do this I would think, in most cases. That is quite an important acknowledgment that we have from him on behalf of the system.

However, what I am saying is that the Rules are at present only rules and I really believe it would be good to get a lot of this put in law where if there is a breach of it, it will be known and the court will actually be in a position that it can take more judicial notice, so to speak, of it and look at it

more seriously.

It perhaps is unfortunate that we could not have had Government put this in the Law at the time because it was put in in England quite a few years ago. While on this aspect of it, the matters such as the custody of children and arresting them should really only occur in rare instances. In most instances I think that it should be possible for the Police, they know who they are going to go to for questioning, to put everything in place and there is no reason, as I see it, why you could not have the Police, the Welfare Officer sitting down in perhaps the child's home and taking whatever statement they may need.

This I think would avoid any charges for example, as we have seen at places of custody, one is actually in a Police Station. I accept that the Member for Health has done what he can to move it elsewhere. During the time that I had charge of this area, we had similar problems, but this has been a long time ago and I really believe we are getting to a stage where Juvenile Court, for example, should be held separate and if possible even in a different building from where the normal court is held where you have Police Officers or Court Ushers in uniform.

What I am saying here is that I think Government has to have a good hard look at the whole aspect of juvenile problems and try to conform as far as possible, to having the matters dealt with rather than in a formal type of police and court fashion, as informally as possible. While on this subject, I would also ask the Member for Health and the Honourable Attorney General if they would also have a look at the Children's Act of 1989 of the United Kingdom. This brought into effect several changes relating to areas of the supervision and probation orders that must be quite regularly carried out under our Juveniles Law. But it has actually gone somewhat further, and what I would like to read here is actually a few brief sections from a publication called "Council". It is issued by the English Bar. The English Barristers side of September and October of 1991 and it is headed, 'The Court at Centre Stage' and I will give the Honourable Attorney General a copy. I am sure he knows of this. Actually when this was written the 1989 Law was just coming into effect. It said:

"Under the Children's Act 1989 to be implemented on October 14, the court moves to the centre stage and is able to make orders or otherwise depending how it perceives the best interests of the child. It may also call for reports, it may set a time table to reduce delays. It may range further and wider than the issues raised by the application before it. It is for these reasons that magistrates have been specially trained since January of this year to handle these new concepts in care applications and family proceedings. This training will equip them to embark upon their work confidently that they are more competent to decide between the competing claims of experts according to the new child centre and philosophy of the Act."

For example it supports this aspect and maybe time is needed to get in place the tape recordings. Here some time was taken to give training to magistrates to ensure that this was carried out. Two other short sections:

"The act also allows for those who share this parental responsibility to act independent of each other and allows delegation of that responsibility and there is a prohibition on the outright surrender or transfer of parental responsibility and it is exercised in a way that it is incompatible with any child care order."

We know under this section we have Child Care Orders and I would like to deal with one aspect of that at a later stage. Lastly it states specifically that in relation to delay and I am reading:

"Justice delayed is justice denied, is a truism that has often been poignant consequences for young children whose conception of time is different from that of adults. There have been long and unhealthy delays in settling proceedings in courts."

I think this is another important aspect that while this act deals with criminal and civil matters in the U.K. it has specifically set a time on the conclusion of civil proceedings in relation to children. The fact that they do perceive time somewhat differently from adults I think is important. So the length of time they may sit at a Police Station or they may sit in some type of detention area has to be looked at from the point of view that time is looked at differently and the concept of time always seems much longer when children are put into custody or rights taken away from them.

On this aspect I would like also to confirm that it is unfortunate that a Law in which the ink has hardly dried, the Juveniles Law of 1990, brought in its section (3) the age of criminal responsibility to be eight years. As I said then, I say it now, it is ludicrous, it is out of date and I am very happy that the Honourable Chief Justice has found it fit to mention that in his speech. That has been read by the Honourable Attorney General and I think the Second Elected Member for Cayman Brac and Little Cayman and I will not go into it. But he was very, very emphatic, he said, "I regret to say that the age of criminal responsibility remains at eight years of age." So hopefully an amendment will come forward on that in due course.

I would also like to mention here that it is also unfortunate that we have seen the rejection or Government dragging its feet in relation to the local approved school. I would like to quote here what the Magistrate, Honourable Geoffrey Ramsay, at a Justices' meeting specifically set out and I will read it because I think it sums up an area that is bleakly related to this quite tersely and very wisely. It is found in the

*Caymanian Compass* of 30th of January 1992, at page 7. And it says:

"After a short discussion, he proposed (meaning the Clerk of Courts) a motion to the effect that US schools should only be looked at as a very temporary measure, (this was US approved schools) and that schools for our juvenile offenders be established in the Cayman Islands. The motion was passed unanimously.

Magistrate Geoffrey Ramsay, a Jamaican who has been serving in Cayman's Courts for the past five years, also spoke at the meeting.

"Cayman is the most appropriate place in which approved schools should be established for young Caymanians...because there is a basic culture and environment here which is probably unique in the Caribbean" said Magistrate Ramsay. He continued, "Basically, Caymanians are God fearing, gentle and law-abiding people.....

America is a country riddled with violence and crime, said Mr. Ramsay, "and young Caymanians will probably go to associate with advanced delinquents, if they go to US schools."."

It has only been about a year and a half ago that we had the United Nations passing considerable resolutions relating to juveniles and relating to their rights and to where they stand in the world because when we are dealing with juveniles there has to be an over-abundance of protection because they cannot protect themselves in most instances. This is why I would like to see the move from the administrative orders that quite clearly set out the position to having this perhaps codified in law, because at that stage the court has to take cognizance of what is there.

I would like to go on to briefly deal with the second part of the Resolution which deals with the use of tape recorders and video cameras in relation to juveniles and other detainees. We know that technology has now advanced to such a stage where the work of the police, the prosecutor, the defence lawyer and most importantly, for a more sure and certain administration of justice, if we can have tape recordings and better still video tapes of statements and the interviews and confessions that are tendered in court. The Government obviously accepts that, as they state, that this is something that is going to be looked into. I do agree that it needs time for it to be properly brought in. If it is brought in and the police are not properly trained, then it is going to be a further problem.

However, I do think that this is more training than the expending of money. We know this Government at least, does not seem to have any money to spend other than in certain areas but the cost of this would be minimal and to bring this in would put beyond a doubt in most instances, that there has been duress or harassment by the Police of defendants.

More than that, in the United Kingdom under the Code of Practice, as I understand it, it is mandatory in relation to indictable offences or where it is an offence that can either be tried before a jury or in a summary way, I should say. This is set out in their Code of Practice of 1988 and it is set out in Code (e). This specifically states and I am reading from the Police Powers a Practitioners Guide at page 159:

"A Code of Practice governing the tape recording by Police of their interviews with suspects at Police Stations came into operation on 29th of July 1988. This is reproduced in Appendix 2. Code (e) provides for tape recordings of interviews in the following circumstances - with a person who has been cautioned in accordance with paragraph 10 of Code (c) in respect of an indictable offence including an offence triable either way or be after charged or after suspect has been informed of possible prosecution where the police exceptionally to put further questions about an indictable or either way offence meaning indictable or summary or where a police wants to bring to the notice of such a person any witness statement by another person or the content of an interview with another person.

There is no requirement to tape certain terrorists or certain offences under the official secrets act."

In relation to video tapes there is merely a very short paragraph saying:

"That the judicial committee of the Privy Council is held that if the police want to make a video recording of a confession including a reconstruction of the crime, they must give the accused a proper warning that participation is voluntary and the recording must be made as soon as possible after the confession.

The accused must be given the opportunity to make and have recorded any comments on the film."

I think this is important because once the recorder is on or once the film is on, if there has been harassment then the accused can go on and say, I am doing this but these are the circumstances why I am doing it. I think that is very good, normally I would think this would be done in the presence of two officers.

One of the things that is always difficult and I think it is where the Attorney General would have to look at how he covers this with legislation, is that normally a tape recording has

been used as corroboration of a witness and the witness goes in the box and says, I said so and so. I would produce the tape at the time, I have kept the tape in my custody as has been usual with films and this is the tape. This is my voice or this is the other person's voice, whatever.

I think that in most cases of this sort, firstly the accused has to know that the recording is going on, he has to agree to it, at least agree to the video, it appears that the tape recording itself is something that is done as a matter of course. I doubt whether this would arise in those instances, but it would put very clearly and you could actually listen or if it is a video tape you would be able to see the witness and be able to hear the witness. The jury could determine from that, if further allegations are made, they could make up their minds after listening or looking at the tape.

I believe this is something that would be of very much help to the Police. It would help the prosecution, I know, because in many, many cases a lot of the court's time is spent where the defence attorney challenges a confession, juries have to be sent out of court during the submissions on it and then the Judge finally has to rule and normally there is an Appeal, in relation to it.

I would ask that the Government tries as early as possible to deal with this. I do not profess to know everything about this and I am merely reading short excerpts here but presumably the Code of Practice where it actually is set out in some considerable detail, in Code (e) which I do not want to try to read here now, it deals with everything from the changing of tapes and the fact that they should try to round off that part of the interview before change, where a break is taken during an interview, failure of recording equipment, and everything seems to be set out in there.

I would have hoped that Government would have found that they could have accepted this motion and merely asked for some time to do this and to look at it in a reasonable amount of time so as to bring in both parts of it. I do however feel that with all the problems that now exist, and the increasing problems with juveniles, that another good hard look and one which is taken very seriously by the Member for Health and Social Services, has to be taken in relation to juveniles. This is an area that is rapidly changing in the world, we have to keep up with the times and we have to ensure that their rights are protected.

This to me is a lot more important than spending eternities of time on a new hospital or in other areas that to me are less important and I call on that Member and whatever assistance naturally any of us in this House can give, to seeing that the Law and the position of juveniles are protected and that we keep up with the times and advance as far as reasonably possible within a short a time as possible in this area.

Thank you.

**MADAM SPEAKER:**

Proceedings will be suspended for 15 minutes.

**AT 11:30 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:50 A.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on Private Member's Motion No. 5/92. The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, the welfare of juveniles is giving all countries today much concern. In other countries the concerns vary in the sectors and areas of human endeavour such as health and nutrition and so on. In these Islands I think our problems go beyond that sort of survival and our problems go to the very root of improvement, the quality of life and hope for their safe future.

Social ills such as we are concerned with are very complex in their causes and in their consequences and these social ills cut across, as I said, the normal sectorial boundaries of health and education, for instance. Treatment of these social ills require a sometimes complex response through implementation of key interventions, not the least, the legal domain.

Many of our problems today stem from the issue of children as parents, children as mothers, the whole issue stemming right back from teen-age pregnancy. If we trace a lot of the more severe problems we face, we will find out that it is all bound up a lot of times in the matter of child bearing before psychological maturity and this results in a series of conjugal unions and repeated pregnancies. This, in my opinion, leaves serious effects on the structure and functioning of the family unit in this country, especially when the father is not around and is not a part of the home to play his role of parenting.

Good parenting then is a matter which is called into question with some of our problems. For some in our communities today good parenting means \$25 for a child to go to the movies, or \$25 for junk food. Good parenting for some means a lot of cloths, for some new cloths every time it is asked for, and most times the child is left with a want for parental supervision, is left unsupervised and wide open to the bad influences of the wider community. Some believe that neglect means the absence of these material things of life.

All of us try very hard at parenting, and those that are successful parents know that the family is the primary educational unit and building block of society where basic social and ethical skills are taught; how to share, how to take responsibility, and that good behaviour is rewarded and vice versa. This kind of information is needed and requires that the parents themselves have had opportunity and time to acquire and test this knowledge. Lack of these skills can be identified today as a major factor in the alarming increase of juvenile problems. That, coupled with the fact that the family unit has broken down because of the absence of the father in the home, and the mother having to give up her God-given role to work, sometimes in the day and also at night.

Lack of these parenting skills too have been the cause of abuse and neglect. Parents who have not taken the time to spend an evening, a day or even an half of an hour with their child, is not in the football field with them, is not in some school with them, can hardly understand their growth and development and cannot communicate with them. Some parents even resort to physical violence as substitute for communication. If the problems of juveniles are to be tackled effectively, it means a lot of preventative medicine. It means that support has to be given to these one-parent homes. It means that more attention by the Governmental agencies responsible for juvenile problems will have to be given to the families whose children have deviant behaviour.

We mourn the fact of tremendous juvenile problems and if we talk to Justices, the Social Services Department and if you talk to parents we will know that these juvenile problems are not something that just developed in the last two or three years. Rather than spending hundreds of thousands of dollars to send children abroad for care, and knowing that we must spend money on those who are already in a problem state so as to bring them back into an organised environment, expenditures will have to be made on programmes to search out those families early in the life of a child.

On Monday I spoke about the Community Centre and its programmes and one of the programmes was to do with child development. It had to do with parents who have children of pre-school age. Essentially what this kind of programme seeks to do is to help parents better educate their children; for their children to be able to manage school; be responsible citizens and seek to minimise developmental problems in pre-school children. We seek to do that by identifying specific needs of that age group and the provision of services to meet them.

These are just some of the early intervention projects which I see for the future in my opinion, will help to minimise the measures which have to be taken after the child reaches a point where police and the juvenile court is involved. Criminal psychologists have found that many of the criminal minds in adults have been caused by some early defect from pre-school level. I believe that we must have those prevention programmes to attack the genesis of the kinds of problems that our children get into today and that reaches juvenile court and police involvement - problems of the dysfunctional and unsupported family unit.

I believe, as I have said, that the single parent family unit is a major factor contributing today to juvenile delinquency and needs to be given special support. One of the main problems arises from the non-supervision of children, as I have already said, when the parent goes to work.

I can never forget the battle we had trying to convince the Government that making a child criminally responsible from the age of eight was and is not the answer. Talk as we would, the Government of course had their blinders on and set themselves up, would not listen and passed that amendment which we offered.

As someone said already, I believe, the Chief Justice in his deliberations has drawn so much attention by the Government and it is funny to see them quickly picking up on one aspect of what he said, but not picking up on the other aspect of juveniles and their plight in the matters of criminal responsibility. I believe that since experience of juvenile courts in the Commonwealth Caribbean and other Commonwealth territories shows that younger children need discipline, guidance and control rather than the corrective measures of a juvenile court, the minimum age of criminal responsibility should be raised to age 10 and all the necessary steps should be taken to ensure that children below this age receive the necessary attention and care from the Social Service's agencies.

We have heard that the remand facilities or correctional facilities in the United States is going to cost quite a bit. We know that we are spending some funds on child care here but I do not know that what I hear is going to be any answer to our social problems that affect juveniles. The juveniles in Cayman have not dreamt of the kind of crimes that are committed in the United States and to send our children to correctional institutes of any kind or approved schools of those kind would be no better than leaving them in Jamaica, except that for their accommodation which might be no more tolerable and humane.

We realise today that we do not just have one child giving us problems. In my constituency alone we had, I think a group of 12 or 15 juveniles involved in a few factions; taking a car, breaking into an apartment to get food and that sort of thing. It is not just one child that we are going to have to put in a correctional centre, I dare say today that in any district you go you could find more than 10 children.

From the figures given to us by the Member for Health, one child sent to the United States will cost in the region of anywhere between \$100,000, for three to six months and taking the three month period for a year it will cost \$400,000, per child. If we really get into the problems considering our very large juvenile problem and 10 children are in need of correctional care, this too will be over the \$4 million mark. I leave that for the House to ponder on. Just sending them there is one aspect of the problem. What about after-care? I think that adequate after-care services should be developed. It is not enough to give correction or to provide treatment since in a lot of instances what is required is help to readjust to normal life in the community.

When it comes to the actions of the police in juvenile matters, we realise that even the testimony of a juvenile is, if not all times most times, considered suspect. I see nothing wrong with what the Second Elected Member for Cayman Brac has attempted here. To put it off, I believe is justice denied. If we accept that children are our most valuable asset, then we must be prepared to change the very fundamentals of our criminal and civil codes and court practices to ensure their protection.

I have listened to the Honourable Attorney General answering for Government and I would not say that he has been entirely unreasonable but I also do not think that what he has said is warranted. One Member already went through the Youth Services Review which points out so many defects in our procedures today. I will not take time to go through them but I would hope that the Attorney General could have a change of heart and convince his colleagues on the Executive Council that we should move full speed with

what this motion has asked.

We should move full speed with the correctional centres here in this Island; we should set up the Family Court. This is something that I have been talking about ever since I got elected to this House and I have been through two Attorney Generals now and both of them have talked about the setting up and promising the setting up of this family court, where all family matters can be heard. Nothing has been done and I doubt that anything will be done, even if I brought a resolution to do it at this late stage in the Government.

I support the Resolution and as I said, I hope, bearing all things in mind, that the Attorney General might have a change of heart. I congratulate the Second Member for Cayman Brac on his thoughts on this Resolution.

**MADAM SPEAKER:**

mover if he would be prepared to wind up?

If no other Member wishes to continue the debate, I will ask the

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. I wish to thank all those Members who have spoken and expressed their views and opinions on this particular motion and their intention to support it.

I believe that the Government has failed by not accepting the motion to deal with what is perhaps one of our most important problems at this time, that is finding proper ways and means of creating a law which the police would follow in dealing with juveniles. By not accepting the motion, where a request is made to use a video recorder and a tape recorder in taking evidence, the Government has failed to use one of the best and most modern means of reducing the time of persons involved and creating hard evidence which is difficult to question in court. We could talk for a week about the problem of juveniles and young people in this society but if we are not prepared to do something specific about it the problem simply worsens and no good comes out of it.

The Attorney General in replying to some extent acknowledged Government's concern in this area and to some extent acknowledged that what was being requested is indeed in vogue in certain countries as the United Kingdom, but at this time the Government is not prepared to deal with it. It is clear to any intelligent person that by such an attitude the conditions become worse. If there is a problem, as there is, the Government should undertake to deal with it now not wait until tomorrow or until next year. Now, is the time to deal with it.

I would like to reply to a few of the points raised by the Attorney General who spoke for the Government on this particular motion and in his reply he noted that the Cayman Islands Police Force have adopted the Judges' Rules and set them down in a Code which the Police refers to when dealing with matters relating to juveniles. Indeed, we have been supplied with a copy of that Code and there are lots of details set down as to what should be done. I think that by quoting from the various authorities I have clearly shown that the Judges' Rules are administrative guidelines and not Law.

By these Judges' Rules not being Law it means that the penalty, whatever it would be under Law, does not really apply. Because of this it does not have the strength to deter the Police from going outside of these guidelines or not following them. I was also able to quote from authorities that have clearly shown that judges have accepted evidence taken by police from juveniles as acceptable when it was clearly shown that they had not followed the Judges' Rules.

Therein lies the crux of all that I have been trying to say. There needs to be some strong persuading factor such as would occur if these Rules' were Law for the Police Force in this country to follow when dealing with juveniles. The Attorney General also referred to the fact that in the Police Law there are provisions for penalties when the Police is in breach of certain rules and the regulations.

In the Police Regulations 1976, I agree, as the Member has said, that there is a long list of offenses against discipline which are set down. I noticed a difference there that - and I do not know whether the Police choose to term such a thing as breaking the Judges' Rules or breaking the Code offenses against discipline - in section 6 of the Police Regulations it says: "An inspector or a junior officer who: a) is disrespectful in word, act or demeanor to a senior officer; b) wilfully disobeys a lawful order...", and there is a list of various such offenses but I really have not spotted any which would relate in a more comprehensive way to failing to follow the Judges' Rules in dealing with a juvenile.

I have over the past few years developed considerable concern about the penalties which the police inflict on its own. They seem to me not to be very strong or forceful, indeed. There are various incidences where there has been alleged police misconduct and these Rules or the Police Law also provides for reprimand and the like or for dismissal, as the case may be. However, in a very recent case the only thing that came out of the case of the Crown versus Campbell, in the alleged murder case, was that the Police Officers there who were accused of misconduct were reprimanded. No big thing occurred as a result of it. I find that this is reoccurring too often and it is causing the public, I believe, to lose faith in the desire of the Police Force to discipline its own.

In other areas of the Civil Service there are various land mark cases where for offences that are much less serious than what I have in recent times heard committed by the Police, persons have lost their jobs and the swiftest and strongest action has been taken against them. There is, for example, the case of Aileen Dilbert and the Public Service Commission, the Honourable Attorney General, where she was dismissed and on Appeal the dismissal was upheld and the ruling of the Grand Court forms a very interesting view as to what the Court can do in terms of the reserved power and authority vested in the Governor.

One case, another which ended in extremely tragic circumstances, was the case between Richard Pendergast, and the Commissioner of Police and the Attorney General. It was too late in this case for the correct thing to have been done, most unfortunately. But here there was

one case where this officer was dismissed or suspended, there were a number of allegations related to it and in the last paragraph of the Appeal Court's ruling, it said:

"In our view the learned Chief Justice erred in refusing the application on its merits. We therefore allow the Appeal, set aside his decision and grant the appellant's application for an order of certiorari quashing the decision by an Order dated June 22, 1990, of the Commissioner of Police whereby the applicant was found guilty of three offences under the Police regulations."

There have been many occurrences in the country where, because the judgments made within the Police Force were not clearly identified in Law (and therefore could have been decided by the court) I think misfortune has occurred.

While looking for information for this motion, and from the little that I was able to research, I determined the matter of interrogations of persons held prisoners or whatever, is the concern of many law experts. I note just a few lines from the Criminal Law Review, an expert in this matter J. C. Smith, which I think brings out some very salient points, and which I quoted from when I first presented the motion. It says for example: "The flaw in the argument in those who favour unlimited interrogation is that it tends to assume that the subject is guilty."

It also makes this statement: "While the great majority of persons taken into custody by the Police are no doubt guilty, some are not, and it is impossible to make one rule for guilty prisoners and another for innocent or doubtful prisoners since we do not now which are which until a jury has given its verdict."

I think they are very piercing thoughts, Madam Speaker, and the question of the interrogation and the handling of minors or young people is particularly important because there are younger persons who must already by the mere presence of the Police or being taken into custody, feel certain fear that may not be present in older persons. The necessity for a law to clearly set down what the Police can do or should do, and will be penalised before the court is then of the greatest importance.

The Member replying for Government also referred to the situation with the juveniles in the case in Cayman Brac a few weeks ago. I have no cause to doubt the Member that he looked into it and he is satisfied from the record he saw that what the Police did, and the way they conducted the interviews or the interrogation was within the Rules. However, there is another side not mentioned and that could be or is what did occur. That does not appear in the records which were available to the Attorney General.

As I have said, there were serious concerns expressed to me by the parents and relatives of these young people. I do know that one relative confirmed that she was present during one of the interviews at the Police Station here in George Town. However, there were other concerns as to when the young people were locked up, where they were locked up, the accessibility to them by their parents and their guardians. That raised considerable concern and fear in these relatives.

I remain convinced that a major building needed in this country is an institution to incarcerate or whatever, to hold juveniles in this country, some sort of juvenile institution. As this problem mounts and there are more and more young people who are finding themselves in breach of the Law, there is going to be a growing necessity for accommodation for them and the present West Bay lock-up and the one in George Town or the one at the Creek in Cayman Brac really cannot be an appropriate and suitable place.

On the question of statements I have been told by practicing attorneys that there is a major problem here with statements when they are taken. It is something which I wish the Attorney General to take note of and hopefully the Government will move to do something about it. A statement can be taken from a person and that person is not allowed a copy of his own statement until a point in time when it suits the Police to do so.

I am also told that the fact that a copy of those statements are not made available to the person or their attorneys is why there are so many instances where people taken into custody by the Police go to the court for what is termed, "mention". Because their attorneys are not in a position from seeing what their client has said to advise them, "well, look. I suggest that you should plead guilty or not guilty to this." So, they appear once, they appear a second time, they appear a third time and this record is not available.

It was pointed out to me by one of these attorneys that what it does to the accused person is to increase their cost, for every time that the lawyer goes to court with that person, the cost mounts and it could be possible in certain instances, to go there but once and pay that fee for the lawyer's service and this was put to me as a concern among attorneys on a whole.

From my own point of view, I think it is absolutely unreasonable that a person who is questioned, and for whom a statement is written, because I understand that is the way it is done, the Police writes the questions down and then the person is asked to sign it. The person is then denied the right to have a copy of it. It seems absolutely unjust, unfair and unreasonable. What is in the statement is alleged to be what that person said. How do you tell a person, you have signed, this is what you said and you are denying the person a right to have a copy?

Something is seriously wrong with that, Madam Speaker.

On the question of the use of the tape recorder and the video recorder, the Government has also acknowledged that these tools for recording are used under the British system and they are in use in the United Kingdom. I would hope that the Government here would have been minded to get off ahead of what has been generally accepted in the United Kingdom because we have a problem here where there is a question of the accuracy of what happened when the person was being interrogated, whether the evidence was taken under duress and all the rest of it. The accused persons have their story, the Police have theirs.

I have heard of many instances where the court has said, "look I believe the Police story, I do not believe yours." Again, I have been told that it is really not the duty of the court to express those types of sentiments. If, the interrogated person has a copy of a tape he has made and his voice is



on, and the Police have a copy of that, you can cross reference it. Certainly if there is a video you cannot only hear, but you can see what has happened in that interrogation room. Here, I do not accept the argument put forward by the Attorney General that one has to be worried about the background noises on the tapes because an interrogation room is supposed to be a secluded room, to my understanding, where there would be no noises except the noises of the voices of the persons involved.

It was noted by the Third Elected Member for George Town when addressing the matter of the video tapes when he pointed out that under the Police Rules, as apply in England, the person interviewed must have the right to say, "I am making this statement on the video now, it is on, but before that I was getting the blazes knocked out of me", so the person has the right to say why he is making the statement. I think that is a safe-guard.

I can see no just reason why the Government should not accept this motion and take such time as is reasonably necessary to put into effect what it has asked for because it appears to me that the Government is even willing to acknowledge that there is much to be said for what has been requested in the motion and what it could actually do to bring about desired changes here in the Cayman Islands to actually improve relationships between the Police and the public.

With regret I hear that the Government, again, refuses to accept a proposition which is clear, even to them, is in the best interest of the country

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The question before the Honourable House is, "BE IT THEREFORE RESOLVED THAT a detailed code of practice for the police be drafted for dealing with juveniles and be made available at all police stations for consultation by police officers, detained persons and members of the public;

AND BE IT FURTHER RESOLVED THAT a tape recorder and video camera be used during the interrogation of juveniles and other detainees to record the said proceedings, and that copies of such records shall be supplied upon request to the detainee, his legal representative or his appropriate adult."

**QUESTION PUT: AYES AND NOES:**

**MR. W. McKEEVA BUSH:**

May we have a Division, please?

**MADAM SPEAKER:**

Certainly.

**DIVISION NO. 3/92**

**Ayes: 5**

Mr. W. McKeeva Bush  
Mr. John D. Jefferson  
Mr. Truman M. Bodden  
Mr. Gilbert A. McLean  
Mr. John B. McLean

**Noes: 6**

Hon. Thomas C. Jefferson  
Hon. Richard W. Ground  
Hon. J. Lemuel Hurlston  
Hon. W. Norman Bodden  
Hon. D. Ezzard Miller  
Hon. Linford A. Pierson

**Absent: 4**

Hon. Benson O. Ebanks  
Capt. Mabry S. Kirkconnell  
Mr. Roy Bodden  
Mr. G. Haig Bodden

**Negatived by Majority:**

**PRIVATE MEMBER'S MOTION NO. 5/92 DEFEATED BY MAJORITY.**

**AT 12:43 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:21 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed, continuing on Private Member's Motion No. 3/92, the First Elected Member for West Bay.

**PRIVATE MEMBER'S MOTION NO. 3/92**

**REDUCTION OF INFLATION AND COST OF LIVING**

**MR. W. McKEEVA BUSH:**

Madam Speaker, I beg to move Private Member's Motion No. 3/92 standing in my name which reads as follows:

WHEREAS the cost of living as measured by the annual rate of growth in inflation grew in 1991 to 8.4 percent compared to 7.7 percent in 1990;

AND WHEREAS various increases on import duty have taken place recently on fuel and other items;

AND WHEREAS these increases have caused corresponding increases on electrical rates, groceries, and other commodities in the Islands;

AND WHEREAS there has been some debate in the News Media, and the Legislative Assembly between Government and Merchants as to who is to blame for the increase in prices, and other cost on commodities;

AND WHEREAS the increases on electrical rates and other commodities are putting a severe strain on consumers;

AND WHEREAS it is accepted that the country is experiencing a recession;

BE IT THEREFORE RESOLVED THAT Government set up a Task Force which would:

- (a) investigate the procedure used at Caribbean Utilities Company to examine the electricity consumption patterns; and
- (b) the related rate structure, with a view to reducing cost to the consumer;

AND BE IT FURTHER RESOLVED THAT Government:

- (a) take the initiative to hold seminars with key leaders in the private sector designed among other things to find ways of reducing inflation and the high cost of living; and
- (b) explore the possibility of creating an Economic Council comprising knowledgeable individuals from both the Government and the private sector which would advise Government on key areas of development in the Economy, which advice would form the basis of a report, which Government would table in the Legislative Assembly.

**MR. JOHN D. JEFFERSON, JR.:**

Madam Speaker, I am pleased to second the motion.

**MADAM SPEAKER:**

The question before the Honourable House which has been duly moved and seconded is Private Member's Motion No. 3/92, Reduction of Inflation and Cost of Living. The matter is open for debate.

The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, the first part of this Resolution addresses the problem of the high cost of living in these Cayman Islands in terms of finding ways of reducing inflation. The recently revised Consumer Price Index (CPI) figures revealed that the cost of living in these Islands continued to rise in 1991. The average annual rate of inflation in 1991 was eight per cent. This was only a little higher than the 1990 annual average rate of 7.7 per cent but substantially above the long-term 10 year annual average rate of 5.8 per cent. Both short and long term figures indicate a trend towards a higher rate of inflation. As a matter of high priority, policies need to be devised to bring about confidence and business, a reduction in the rate of inflation, control of public spending, which the Government has not seen fit to do.

The impact of the higher than average inflation rate and the standard of living is an economic issue that merits more serious consideration than it has been so far been given in this Honourable House or in fact, in the halls of Government for several reasons including the following:-

1. Most countries presently experiencing an economic downturn are experiencing a falling, not a rising rate of inflation.
2. Countries which are experiencing higher than average inflation, devised measures to reduce it both on a short term and long term basis.

These Islands have a small open economy which makes it particularly vulnerable to significant adverse international economic developments. High rates of inflation, experienced by our major trading partners can easily be imported due to the import dependent nature of the economy. However, the eight per cent rate of inflation cannot be totally attributed to international factors as our most important trading partner is currently experiencing a slowing rate of inflation. The annual rate of inflation in the United States dropped from 6.1 per cent in 1990 to only 3.1 per cent in 1991, as was expected, given the recessionary climate in 1991.

Similarly the average Consumer Price Index in all industrial countries fell from five per cent in 1990 to 4.6 per cent in 1991. Again, this was indicative of the downbeat economic situation in most industrial countries in 1991. Therefore, the eight per cent annual rate of inflation in these Islands can probably be explained more convincingly by one significant domestic factor.

In 1991, the Government found that demand for public revenues increased to the extent that additional revenue measures were introduced. These measures, coupled with the Port

Authority's fee increase in October 1991, have undoubtedly contributed to the rise in prices of some imported goods. The price rises quickly filtered into all sectors of the economy raising producers' costs and consequently raising prices to consumers. Pressure already exists on the revenue base from which most Government revenues are generated, namely the tourism and banking industries. The potential to extract further revenues from these sources are minimal as the economically feasible amount of revenues from these sources already appear to have reached a plateau. Any further fiscal stress on either of these industries could produce serious economic and/or inflationary consequences.

I said one significant factor, but maybe another one to take into consideration is that according to the most recent estimates in the 1990 National Income Estimates in 1988, on average, wages and salaries accounted for 31 per cent of total business costs in these Islands. Labour costs appear then to have spiralled as competition by employers or the limited amount of workers have increased. In addition to that the manner in which the Caymanian Protection Board appears to have been allocating work permits seems to have made the labour market become more inflexible. The probable consequence as a result, is wage-push inflation as it is termed.

Given the prevailing higher than average inflation rate it is my view that Government must play its role and consider some short and some long term policy measures aimed at reducing this inflationary threat. In the short term the existing revenue base, in these Islands must be examined with the aim of broadening that revenue base with the objective of reducing some of the burden on the main sources of public revenue.

In an economy such as ours with a limited revenue base, the burden of taxation falls on only a few industries. If more production activity could be encouraged a greater number of potential revenue sources would be created and the tax burden could be spread more thinly over each industry.

For example, I have been talking for a long time about high-tech, low labour intensive light manufacturing industries such as electronics and other such components assembly, data processing could be encouraged to gain a foothold in the Caymanian economy. However, to develop these industries fully, Government should look to creating a more dynamic foreign capital investment incentive programme.

I know that this Government has thrown cold water on the idea of free-trade zones. Free-trade zones already exist in other Caribbean territories such as the Bahamas and Barbados where tax incentives are offered to foreign investors to operate in that country. With Cayman having no tax and already has the natural advantage of being supposedly "tax free", however, alternative types of incentives such as infrastructural development in the form of roads could be offered. Coupled that with a lot of other positive factors about the Caymanian economy such as good telecommunications, safety and a relatively stable and economic climate, all these incentives produce an increase in the number of new industries such as data processing.

The public revenue generating capacity of the economy could be widened, however, the social and our economic costs and benefits of the various alternative types of incentives to potential foreign capital investors would have to be carefully assessed and reexamined periodically, on the one hand, to ensure that the best interests of the economy are maintained but on the other hand, ensure that investor confidence remains buoyant and investment security is protected.

Madam Speaker, I am going through the different components of the economy to perhaps see where new revenues could come from. If we look at the Banking Industry policy which already contributes a substantial amount to the public purse through Stamp Duty, Bank and Trust Licences and so on, our banking legislation could be examined to determine if any improvements could be made to facilitate banking industry expansion.

I have long said that these Islands have much more space for development in the international business sector. While our financial industry has a good reputation, that reputation is not established everywhere. In Europe a great many people know literally nothing, do not even know where our Islands are situated let alone that it is a British Crown Colony, that it is safe and that it has good established track records. I feel that a world-wide bigger campaign is needed in order to let people know more about us and our good marketing public relations and communication in these target areas.

Very few people around the world know that Cayman is a banking haven. Only a very few, in terms of the business population world-wide, know that one can retire here, spend long holidays or vacations here, have property with no problems and become a resident. These advantages must be sold. Virtually nobody in Europe or Asia, speaking more of the Pacific Rim, know that this Island in trying to grow steadily gives investors opportunities. An international campaign concept which highlights the advantages we offer has to be given to someone with European and Asian public relations and marketing experience. These Islands depend 70 to 80 per cent on the U.S. economy. We have to identify buyers, that is, tourists of high net worth and investors both in Europe and in the Pacific Rim.

In Europe with the upcoming European Economic Community problems from Russia and the Third World. These target areas, these business areas in Europe must be invited and brought to these Cayman Islands. I think to this end Cayman and its local finance business must make a campaign approach to have facilities, offer facilities to new applicants for business permits, licences and residences given in way to make this place look more friendly, less a place which just wants the money of the investor.

These Cayman Islands must continue and should become known world-wide as a haven of safety and friendliness which gives the foreign investor opportunities by which Cayman itself will take advantage and grow in the long term. The Tourism sector and the Banking sector are often referred to as the twin pillars of economic growth in the Cayman Islands. They are also among the more significant

sources of public revenue. The Tourism Development Plan, which I believe is currently being prepared should help bolster the tourism sector and widen the range of potential overseas growth markets.

However, the problem of seasonality still exists which negatively impacts public revenue generation. With this in mind, the Government should ensure that the Tourism Development Plan devises more feasible short term to medium term strategies as well as long term strategies to more creatively position the Cayman Islands in the minds of the potential vacationer with the objective among other considerations of reducing the impact of seasonality and public revenues.

The problem of dependence on the United States and Canadian tourism market exists. While catering to North American tourists and nurturing this specific market contributed to Cayman's wealth and prosperity now that North America is experiencing an economic recession, the problems of dependence have become more real than apparent. Therefore, to reduce Cayman's vulnerability to economic downturns in the United States and Canadian economies, Cayman should look more urgently and seriously towards other potential tourism markets such as Europe to diversify the mix of tourists visiting these Islands.

I know that there was some effort put on this last year but what I am saying is that it cannot stop there, paying a visit is not just enough. In this regard we could begin by adopting strategies to achieve further diversification which on their own may not be singularly successful but if implemented together should have the desired effect. Firstly, in trying to build our revenue base in order to keep down inflation the Cayman Islands should carefully target the European tourism market and increase its office representation in those areas. An appropriate marketing campaign should be devised aimed specifically at each target country as tastes and preferences of tourists vary widely, depending on their geographic origin and economic situation.

Secondly, the question of air linkages to Cayman from major European destinations would need to be addressed as a strategic consideration. European tourists appear to dislike, from what I can understand, using the Miami gateway as their transfer point from Europe to these Cayman Islands. Therefore, some alternative transfer points would also need to be considered to facilitate easier and more time-efficient air travel by potential European vacationers to visit the Cayman Islands. I know we have talked in the past about lengthening the Owen Roberts International Airstrip. That is one aspect of it with studies going on on all these sorts of things, that has to take awhile.

Maybe the Member for Tourism can shed some light on whether Puerto Rico could be used as it has a runway capacity to land the larger aircraft which make trans Atlantic crossings. Perhaps Cayman Airways could investigate the feasibility of using Puerto Rico's International Airport and air transfer facility as an alternative connecting point to Miami for these European visitors. If a smooth and timely transfer of passengers could be achieved from Puerto Rico the potential for greater numbers of European tourists in Cayman maybe would increase.

Convincing local hoteliers and the people in the restaurant business catering to Europeans as well North Americans should improve both short term profit making needs and long term economic growth in Cayman and it may require increased private and public sector investment in tourism. The private sector will have to invest in self-style advertising campaigns to market their specific resort in Europe but I believe the increased investments will mean increase in private sector gain as well as increased overall economic gain for these Islands.

Another area that we need to look at is the Agriculture area. I believe that we need to have a look at the agricultural development and farm produce marketing policy. Despite what some skeptics may say, personally I believe that the relatively greater policy emphasis being placed on commercial agricultural development in these Islands today compared to some years back is one which any Government should support and strengthen for several reasons.

Commercial agricultural development in these Islands on the scale which our natural resource limitations permit could be one viable way to achieve greater diversification of the production base of the economy, particularly if a market or consumer base strategy can be found to stimulate greater local demand for local farm produce relative to the demand for foreign farm produce. The development and overall expectations of a market of customer base strategy to influence local consumers to voluntarily switch from the foreign farm produce consumption to local farm produce consumption over time should not be beyond the capabilities of local farmers and those who are employed to advise them provided such sound practical professional advice.

In this regard, from my observation, there are three areas of the current efforts to develop commercial agriculture in these Islands in which better practical professional advice may need to be required and one is under the supply end of farm production. Given the fact that commercial agriculture is a relatively new development in these Islands, to be commercially viable a farm must be managed and run as a business enterprise and to manage and run a farm as a viable and commercial enterprise our farmers must be trained in the economic and finances of efficient farm production and management. Such training needs to be carried out in practical on-the-farm situations on a regular basis, not from a fourth floor office or from the office of the Department of Agriculture.

Secondly, such a training can best be imparted to our farmers in practical on-the-farm situations by a trained practised oriented agricultural economist, one whose goals must be to train and advise farmers how to grow crops and produce farm produce at lower production costs for, if farm production costs are unnecessarily high farm production may be inefficient and this in turn will result in customers paying for farm production and efficiencies through higher prices for the produce sold, let us say at the Farmers Market, and which may ultimately mean uncompetitiveness of the Farmers Market relative to the supermarkets and the grocery stores.

The second area in which better practical professional advice seems to be warranted is the area of the management of the Farmers Market. It was my understanding when this

was developed that the Farmers Market should be managed by the farmers themselves on a cooperative profit oriented basis. At the moment it appears that there are conflicting approaches to the management. One approach sees the Farmers Market more as part of the Department of Agriculture and therefore should be managed and run as a Government bureaucracy unless as a cooperative profit oriented commercial business enterprise managed and run by farmers.

In contrast the other approach would see the Farmers Market run as a cooperative profit oriented commercial business enterprise managed and run by farmers unless as part of the Department of Agriculture and therefore not managed and run as a Government bureaucracy. So the main policy issue is the extent to which the Government should be managing the Farmers Market from the Department of Agriculture relative to the extent to which Farmers themselves should be trained to efficiently manage the market as a cooperative profit making commercial enterprise.

The third area in which better practical professional advice seemed warranted is the definition of the business mission of the Farmers Market and the marketing implications of that mission. Defining the business mission of the Farmers Market requires that those who manage the Market, whether it is the Department of Agriculture or the farmers themselves, ask two basic questions. What business is the Farmers Market in and what business does the Farmers Market want to be in?

Defining the business the Farmers Market is in or want to be in first requires, among other considerations, a definition of the market to reflect the local customer groups the Farmers Market should serve, the function of the Farmers Market to reflect how best to satisfy the needs the local customer groups that the Market should serve and the methods that the Farmers Market should use to satisfy its customers' needs.

The second aspect of defining the business mission of the Farmers Market requires that full consideration be given to the adequacy of physical facilities and equipment, staffing and staff training which will impart distinctive competence to the management and operation of the Market, and as I said before, the extent of the role of the Department of Agriculture in the day-to-day management of that Market.

The second reason that I personally believe that the current emphasis on commercial agricultural development in these Islands should be supported and strengthened by any Government is that a viable commercial agricultural sector has the inherent potential to significantly contribute, despite the feelings of others, to the stabilisation and ultimately the reduction of prices on farm produce items currently sold in our supermarkets and grocery stores.

Madam Speaker, economists tell us that if you want to beat your competition you simply make your products more widely available to consumers and at a lower cost while maintaining quality and reliability. Much of the success of the Japanese in dominating the consumer market is due to their adherence to this approach and as small as we are, we may do well to learn this lesson as well. The point here is that the current emphasise on the development of commercial agriculture in these Islands should be supported and strengthened with the aim of growing and producing what can be locally grown and produced in a cost efficient manner and make it widely and easily available to local consumers at lower costs than similar farm produce that are now imported and sold in our supermarkets and grocery stores.

For this goal to be achieved those who are responsible for agricultural development policy in these Islands should make sure that such policies are based on practical farm production and marketing considerations including local farm produce quality, local farm produce availability, local farm produce shelf life real ability, local farm produce pricing and local farm produce lower production cost from our local consumers point of view.

Our local manufacturing base or small industries is but very little but nevertheless what we do have are good and viable businesses and I want to look at two areas. In these Islands we have three large bakeries outside of those small ones in the supermarkets and we also have one small bakery in Cayman Brac. When we look at one aspect of what they produce we find that we need to consider what we can do to assist them. Here we are talking about keeping down costs and the imported inflation.

I have observed for instance that there are a lot of American breads imported into this country and I believe this is having some effect on the sale of that commodity. I support some sort of tariff on such products and I believe that to assist our local businesses, one of which is in West Bay, I think a more higher rate of duty should be applied to the importation of these foreign products. In this instance I am talking about breads.

I know that this method of tariffs is not supported by some people in this House nor by some businesses outside but I believe that if a higher rate of duty is applied, proper checks can be kept on the local products and I believe there will not be any drop in quality of products. In fact, I believe local businesses with such an incentive would improve their quality.

If we are going to get serious about and assist our local businesses producing, manufacturing or any type of farming to cut down on import costs which is passed on to the consumer these are matters that any Government should consider. For instance, there is one company which produces bottled water, a company called KDF. Government has taken the duty off imported water, this company, a local company has to import their plastic bottles and pay duty on their plastic bottles. Certainly we need to assist them by looking at their situation, assist them by either taking the duty off the plastic bottles or putting back the duty on the imported water because the imported water has an edge on the local bottled water produced here, and in my opinion, as I said, given high rates of inflation and high cost of living, these matters need to be addressed.

Government could play a more active role in promoting small business development by making information and assistance available to help small business enterprises get started. And, by actively encouraging entrepreneurial skill development. More Caymanians may be encouraged to

invest their time and energy in their own enterprises and more than that, small business already in operation could take advantage and maybe we could even tell them what businesses are best started and what is not. This could be achieved through an entrepreneurial skilled development programme at the Community College emphasising as I said how to start small businesses, how to access capital and loan markets and small businesses management.

The Government could also consider establishing a small businesses development programme to ensure the continued profitable existence of the businesses. Finally further emphasis could be placed on a market based skill training programme to increase the number of Caymanians in middle and upper level technical managerial and professional positions. This has to do with our Human Resource Development Policy. The labour markets should continue to be monitored to establish trends in the demand and supply of labour. Short and medium term training of Caymanians in the areas identified as critical to help ease some of the strain on the labour market which tends to lead to spiralling wages, higher business costs and rising inflation. This would be in addition to provision of long term training opportunities.

I will have a look now at the long term considerations to reduce inflation. The second part of the motion asks Government to explore the possibility of creating an Economic Council which would advise Government in key areas of development in the economy and that such advice would form the basis of an economic report which Government would table in this Honourable House.

I am underlining the word 'explore' because the motion is not asking Government to immediately set up an Economic Council but merely to explore the possibilities of the workability of such a Council. No Government alone or all by itself can successfully undertake or pursue the economic growth and development of a country for several reasons.

One is that no Government has an unlimited amount of resources at its disposal or has access to an unlimited amount of resources. In all cases in fact, resources available to any Government come primarily from two main sources, revenue and borrowing, the second of which may be domestic and/or foreign borrowing.

Resources from both of these two main sources are not only limited, but also the fact of their limitation carries a cost. A second reason is that no Government has all the people with all the economic and financial expertise, knowledge and experience necessary to successfully undertake or pursue the economic growth and development of a country. Some of these highly qualified people are indeed in the public sector but some are also found in the private sector and further some of the best quality of these economic and financial expertise, knowledge and experience are indeed in the public sector but some are also found in the private sector.

A third reason is that in any country in which participatory democracy processes are the foundations and therefore the norm of economic and political life, the process of economic growth and development in that country cannot be a one-sided process involving only the policy choices and actions by the Government and I believe that this is where this Government has failed this country.

Rather, under the terms of reference given to us as Elected Representatives of the people by our democratic system, the process of economic growth and development in these Islands is a process that must involve the harmonisation of the public, economic and financial policy choices and actions by Government and the private business and financial choices and actions by the private sector very broadly defined.

Given these considerations as one way towards re-invigorating and sustaining long term low inflation revenue and debt non-dependant economic growth and development in these Islands, this motion calls upon the Government to explore the possibility of creating an Economic Council which would combine the highly qualified economic and financial expertise, knowledge and experience that already exists in the Portfolio of Finance and Development with the previously un-topped high qualified economic and financial expertise, knowledge and experience that exist in the private sector, to examine and advise Government on the current and future prospects for long term growth and development in key areas of these Islands.

The idea of an Economic Council, which would prepare and offer advice to Government, is a noble idea only in these Islands, or in the Caymanian context. The great economic giant, the United States of America, has its Council of Economic Advisors which advises the President. The Canadian Government also has its Council of Economic Advisors and so do the Japanese and the German Governments.

If the exploration of the possibility of such an Economic Council shows that such a Council will indeed be workable, then the economic and financial advice that will emanate from the Council should be used after tabling in this Honourable House by the Government to either revise and up-date the 1989 - 1993 Development Plan or to prepare a strategic development plan for long term economic and financial development of these Islands.

As I said, the Economic Council would interact with their international counterparts and therefore have knowledge of what is expected in terms of their economies. I believe such a body would hold good possibilities for these Islands and while it could be acknowledge that there are large companies here with international connections, that in itself holds good for such a Council. However, it could be said too, that their concern is the generating of business at their level but with the establishment of an Economic Council, their expertise would be shared for the long term benefit of the country.

Turning to Caribbean Utilities - the Caribbean Utilities Company (CUC) has a legal monopoly on the production and sale of electricity in these Islands since the Electricity Law was passed. Typical of any monopoly CUC has attempted to maximise its profits by lowering costs wherever possible and raising prices to consumers within the constraint set by Government, namely that Government must approve any rate change.

I have long contended that it is time that the licence be reviewed

to ensure prices charged are economically efficient and socially and economically acceptable. The bases of the current rate structure should be reassessed to be more responsive to the consumption patterns. Ideally a task force could be created which would investigate some of the procedures used at CUC.

The questions that the Task Force may want to ask could include the following: Is the price of electricity related to the demand for electricity? How is the demand for electricity determined and what is the basis for the current rate structure? Do electricity consumption patterns vary during the day? When are peak and off peak periods? What percentage of total electricity sales are made to businesses, households and Government? Two, what is the current rate structure at Caribbean Utilities Company? Are electricity consumers paying an excessive amount for electricity relative to Caribbean Utilities profits compared to other territories' electricity producers with similar electricity user bases? Can Caribbean Utilities offer a reduced rate structure to electricity users perhaps in off peak periods? If households constitute the smallest percentage user of electricity, could a reduced charge scale be considered for private household electricity consumers?

One point is that we know that the other utilities company, Cable and Wireless, tells us that if we make long distance calls at night, at certain times we get a cheaper rate. I want to find out if this is the situation at Caribbean Utilities. Do we get a cheaper rate at night when things are slow and the weather is cooler and so on? We do know that the cost from Caribbean Utilities impacts everything which is run by electricity in this country. I understand that Caribbean Utilities is presently paying between US\$35 and US\$40 per barrel for diesel oil. I am wondering whether to cut down on cost if they could use a more cost-effective fuel which, for instance, is used by the Bahamian and the Bermudian Islands power companies, to name a few, which is environmentally friendly? Meaning that when it is imported here, that same type of fuel is treated so that sulphur and other hazardous components are removed.

Presently as the contract is set up, they do not have an incentive to cut costs because they pass on the cost of any expenditure of any project and they are guaranteed 15 per cent on top of any costs. Because of the impact of high electrical rates on everybody, this company has a duty to pursue all avenues for cheaper, efficient, and environmentally friendly fuels. If we take the Bahamian and the Bermudian Islands which have similar economies to ours, their fuel costs are approximately US\$15 per barrel. This says much.

I do not believe, for instance, that the fuel factor is consistent. I believe that people in my constituency, when you check back at the rates, are paying higher rates in comparison to some people outside of West Bay. For one, a two bedroom house in West Bay with four people, two adults and two children, a one window unit, gas stove, gas dryer, runs something over 2,000 KW and is something like \$300, while a house in Prospect with the same number of children but everything running on electricity runs for \$180 and less KWs per hour. I believe that the Government owes it to the people of this country to check out these sorts of things.

Caribbean Utilities, no doubt about it gives this country good service. Nobody could ever say otherwise. We do not have the shortages and so on that you find in the other territories. I do not think we can compare with the Bahamas and I do not think we can compare with the Bermudian Islands because I think their utilities companies are good ones. But compared to some of the other Islands, like Jamaica for instance, we do not have the many shortages that they do but one thing this country does have is a lot of power surges and it destroys appliances. People have made representations to them. People have taken testers and have shown them that something is wrong and have shown them the power surges, sometimes over a dozen or a few in an hour but Caribbean Utilities will not do anything about it.

Madam Speaker, we need to look at what is going on with the company. Some time ago, maybe it was back in 1989, I brought a resolution here asking Government to set up a Utilities Commission. At that time there was a big hassle between Government and Caribbean Utilities and Government promised us that they would set up some sort of committee to look at what was happening and keep a check on what was going on at Caribbean Utilities. I do not know if this has been done. I understand it has not been done and I believe that Government is not entirely satisfied with what is happening there. Government needs now to have the will to do something about it. There are too many complaints that the Government should take into consideration rather than turning a blind eye to them or getting up here and turning down this resolution and taking a political bias towards the resolution. None of them can tell me that they are not experiencing high electricity bills, more than normal.

I am going to leave this resolution to hear what the Government has to say but I trust that they will take everything I have said with the sincerity in which I have said it and will look at all of the problems concerning inflation, high cost of living in these Islands and those matters which contribute to the high cost of living.

Our people are complaining. You go to the store and find that prices have increased regardless of what people say. When you take different groceries for instance, beef stew has now gone up from \$2.80 to \$3.10 per pound, that is imported. That is 8 per cent from 1990 to 1991. You look at pork chops. They have gone up 15.9 per cent from 1990 to 1991. Bacon has gone up 5.6 per cent, whole chicken in 1990 to 1991 has gone up 17.7 per cent, from 79 cents per pound to 91 cents; oxtail from \$2.07 to \$2.12; hot dog sausages \$2.06 to \$2.11; corned beef from \$2.06 to \$2.52 a 9.6 per cent increase from 1990; baby food, vegetable and chicken, has gone up 6 per cent from 1990; canned sardines have gone up 4.8 per cent from 1990; eggs have increased from \$1.31 to \$1.50 per dozen; margarine has gone up from \$1.63 to \$1.79; cheese from \$2.20 to \$3.15 - an 18 per cent increase from 1990; canned vegetable soup 6.6 per cent from 1990; detergent, one gallon from \$9.08 to \$13.32 today; Comet a whole 4 per cent from 60 cents to 78 cents.

All of these prices affect our people and when you take into consideration that it is the man at the lower end of the salary scale in this country who suffers the most and this is why we have to take all of these matters into consideration. He is the man who is less able to get a job. He is the man or woman whose gratuity cannot be collected. What is going to happen to our people? It is all right for some

of our people to come here and fight this motion politically, to beat me up as they say they are going to do, but what about the people whom we represent on the outside, the people in the hotel industry who go home with \$50 per week with four children? People who have to pay rent at \$500 per month are going home with \$60, \$90, \$100 per week. I am talking here of the tourism sector. You go into the supermarkets and you listen. The cry is of the high cost of groceries. You talk to people and nine out of 10 of them will tell you that we have to do something about the cost of living in this country. While some people can live well, there are many people in this country who today are hurting.

Do not tell me the economy is good or that it is going to pick up. We have to do something to cut down on inflation. Government has to take those steps. Madam Speaker, I will say no more at this time. I will listen to what Government has to say and hope that they will take these suggestions into consideration, some for the short term and some for the long term.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 3:38 THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:25 P.M.**

**MADAM SPEAKER:**

Please be seated.

### **ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, I think it is the wish of Government that we adjourn as we need to get together on one particular matter. With your approval, I would therefore move the adjournment of this Honourable House until Friday morning at 10 o'clock.

**MADAM SPEAKER:**

The question before the Honourable House is that the House do now adjourn until Friday morning at 10 o'clock.

**QUESTION PUT: AGREED.**

**AT 4:26 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 6TH MARCH, 1992.**



**FRIDAY  
6TH MARCH, 1992  
11:04 A.M.**

**MADAM SPEAKER:**  
Cayman.

Prayers by the First Elected Member for Cayman Brac and Little

**PRAYERS**

**CAPT. MABRY S. KIRKCONNELL:**

Let us Pray.

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:**  
resumed.

Please be seated. Proceedings in the Legislative Assembly are Government Business, Bills.

**GOVERNMENT BUSINESS**

**BILLS**

**FIRST READING**

**THE MISUSE OF DRUGS (PENALTIES) BILL, 1992**

**CLERK:** The Misuse of Drugs (Penalties) Bill, 1992.

**MADAM SPEAKER:**  
for Second Reading.

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

**SECOND READING**

**THE MISUSE OF DRUGS (PENALTIES) BILL, 1992**

**CLERK:** The Misuse of Drugs (Penalties) Bill, 1992.

**HON. RICHARD W. GROUND:**  
Misuse of Drugs (Penalties) Bill, 1992.

Madam Speaker, I beg to move the Second Reading of the

This Bill is a short Bill, it barely covers two sides of the Green Paper but I am going to have to take some time in explaining the effect of its provisions because the Bill that it amends, the Misuse of Drugs Law (Second Revision), is itself very complicated and it is particularly complicated in section 13 which contains the penalty provisions which this Bill seeks to amend, so I am apologising in advance for trespassing upon the patience of the House if I have to take this in detail and quite slowly.

First of all let me say a word as to why this short Bill is brought. I think we all know by now that the Chief Justice at the opening of the Grand Court in January made some comments about sentencing in drug cases. Let me remind the House of what he said. He said:

"The increase in less serious crime is largely attributable to cases involving the use of drugs. That is a situation which must put in question the efficacy of the sentences passed in such cases. This is not the time to debate the merits or demerits of the punishment meted out for drug offences.

Nevertheless one cannot avoid questioning whether it is desirable to place such great emphasis on imprisonment as the appropriate punishment for drug offences that even a fine cannot be imposed without a term of imprisonment, as imprisonment has not it seems, prevented a rise in the incidents of drug abuse and has contributed to the over-crowding of the prison. Perhaps the Legislature will consider amending the laws that have so elevated imprisonment as the punishment for drug offences."

Madam Speaker, I bring this short Bill in direct response to that invitation by the Chief Justice and on my own part for no other reason. Before one can understand the terms of the Bill one has to understand the current framework of the sentencing system under the Misuse of Drugs Law, so I am going to begin my exposition with that.

The current system is set out in section 13 of the Second Revision of that Law. At the moment section 13 is divided into seven subsections of which for our purposes the first four are relevant.

Subsection (1) covers a variety of less serious offences involving drugs that are not hard drugs. In practice we can simplify that for these purposes of this bill to saying that subsection (1) concerns the consumption of ganja. There are other offences but that is the one that the court is most concerned with and I do not think that the Assembly need concern itself with the others.

Subsection (2) concerns all other offences involving ganja where the amounts concerned is less than one pound in weight. Subsection (3) concerns all other offences involving ganja, that is all other offences apart from consumption where the amount concerned is one pound or more in weight. Subsection (4) concerns all hard drugs. But in order for subsection 4 to work, it has to incorporate a Schedule and the Schedule to the law is Part B of the Second Schedule which sets out in detail the offences relating to hard drugs. Of course hard drugs cover a wide range of dangerous drugs but in practise in Cayman we are mainly concerned with cocaine and that devastating derivative of cocaine, "crack". If there is anything for us to be grateful for it is that we are not yet experiencing problems with the other hard drugs such as heroine though in the present circumstances that is small cause for rejoicing.

As I was saying, Subsection (4) concerns the penalties for hard drugs and what it says is that any offence concerning a hard drug: "shall on summary and conviction include a term of imprisonment and a fine in accordance with the provisions of Part B of the Second Schedule."

Part B of the Second Schedule really falls into four groups of offences. The first group is buying, consuming, possessing and attempting those three offences where the amount concerned is less than two ounces. In future when referring to this group I am just going to refer to consuming and possessing. Buying as an offence is not one that gets prosecuted here, if you look in the Police Statistics this year there is not one for it, and that is because it is much more practical to charge simple possession in those cases. The penalties being exactly the same.

So for consuming and possessing for an amount less than two ounces, the penalty on a first conviction is seven years or a fine of \$10,000 and on second conviction 15 years or a fine of \$20,000. The group is consuming and possessing of over two ounces. I will come back to the penalties in a minute. It will be clearer if I just define the groups at this stage.

The third group is a whole range of offences: selling; dealing in; distributing; supplying; dispensing; storing; issuing a prescription for; administering; importing; exporting; producing; and attempting. In future, during this debate, I am going to refer to those, for ease of references, the trafficking offences.

The trafficking offences are split up into two sections, less than two ounces and two ounces or more. So just to summarise for hard drugs we have four groups or categories of penalty: consuming and possessing less than two ounces; consuming and possessing more than two ounces; trafficking in less than two ounces; and trafficking in more than two ounces.

Let me go back to the beginning of section 13 and just run over the penalties for those three groups of offences. Subsection (1) which you will recall is in practise consuming ganja, the penalties are for a first or second offence a fine of \$3,000 and three years imprisonment. Whenever I give a fine and imprisonment, Madam Speaker, that means that that is the maximum. Court is not, except in one circumstance that I will come to in a minute, obliged to impose either a fine or imprisonment. It is entirely within the court's discretion and it can fine up to \$3,000 and impose imprisonment of up to three years. Of course it decides what to do on the facts of the particular case before it. That is, first and second offences for consuming ganja. A third offence for consuming ganja under subsection (1) attracts a maximum of \$10,000 or 10 years imprisonment.

Turning now to subsection (2), that you recall is all other ganja offences, whether that be possessing or trafficking in ganja, where the amount is less than one pound and there for a first offence the maximum is \$20,000 and/or seven years imprisonment, and for a second or subsequent offence \$20,000 and/or 10 years imprisonment. Subsection (3). This is the section that deals with ganja offences other than consuming where the amount is a pound or more. A first offence is \$20,000 and up to seven years imprisonment, second or subsequent offences are an unlimited fine and 15 years imprisonment.

As I said in opening this part of my review, for each of those three subsections, in other words, for the ganja offences there is no requirement that the courts in fact send someone to prison. It is left entirely within their discretion, though in practise where the amount if of any substance at all, the courts do exercise that discretion in favour of imprisonment unless there are particular circumstances in the particular case in front of them. That merits exercising the sentence discretion some other way.

I do not want to digress but it is worth bearing in mind that that sentencing discretion given to the courts is one of the fundamental cornerstones of the system of justice that we

have here.

Turning to subsection (4) of section 13. This is all hard drugs and it is the one that incorporates Schedule B. This subsection is anomalous to begin with. It is different from the others in that it requires the court to impose a term of imprisonment and requires the court to impose a fine in accordance with the provisions of Part B of the Second Schedule.

It does not require the court to impose any specific minimum imprisonment but it does say they must impose a term of imprisonment. Just to again digress on a historical point, between 1982 and 1985 there were stipulated minimum imprisonments in Schedule B, in other words, in respect of hard drugs and, the court was obliged to impose that stipulated minimum. Those minima were swept aside by an amendment in 1985 but in doing so the House did not remove the requirement that nevertheless the sentence include a term of imprisonment. Whether that was deliberate or not I was not in the House and cannot say at this length of time but I suspect that the Members of the House, who then voted in favour of the abolition of the minima minimum imprisonments, thought that they were doing away with the requirement that the court have to impose a term of imprisonment. Those who voted for it and who are now in the House can say in the course of this debate what they meant.

But I suspect that was left in because it was overlooked and everyone's attention was focused on changing part B of the Schedule.

Let us now look at the sentences set out in that part B and you will remember it is divided into four parts and the first part is consuming and possessing less than two ounces, for a first conviction the maximum is seven years or \$10,000 and for the second or subsequent conviction the maximum is 15 years or \$20,000. Then for consuming and possessing two ounces or more for a first conviction 15 years and an unlimited fine. For a second or subsequent conviction 15 years and an unlimited fine.

It is worth just noting that in respect of consumption offences it is impossible to tell if one is using the urine test, which is the standard way they are now prosecuted, it is impossible to tell if somebody has taken more or less than two ounces. I think Members also know that in respect of cocaine, if one were to consume in one go two ounces of cocaine, it would invariably be fatal. For those reasons consumption offences are always charged as being less than two ounces and punished accordingly.

Going on to the third subdivision of Part B of the Schedule that is trafficking offences, less than two ounces first offence 15 years and an unlimited fine, second offence 20 years and an unlimited fine. Then trafficking offences more than two ounces, first offences 20 years and an unlimited fine, second or subsequent offence 30 years and an unlimited fine.

Madam Speaker, let me say straight away so that there is no doubt about it at all, that this Bill does not seek to alter any of those maximum terms of imprisonment or the fines. It does not address those figures at all, they are left exactly as they are and as they have been since 1985.

Just before I pass on from this consideration of that Table of Part B of the Second Schedule, let me just stress for Members that first group which is the consuming or possessing of less than two ounces because that is the one upon which the amendment focuses and in layman's terms that concerns all cases where somebody is prosecuted for consumption of cocaine under the urine test and all cases of simple possession of cocaine.

Let me now if I may, go on with looking at some other provisions in section 13 as they now are and those are the provisions concerning community service and attendance orders because these two are addressed and amended in the Bill before the House. Subsection 13 (5) deals with community service orders. Let me just refresh everybody's memory as to what a community service order is. They are dealt with under section 19 (1) of the law and I will just read it:

"19.(1)A community service order made under section 13(5) shall require the person convicted to perform unpaid work in accordance with the subsequent provisions of this Law for such number of hours (being in the aggregate not less than forty nor more than two hundred and forty) as may be specified in the order."

Fairly self-explanatory, people get ordered to do projects which benefit the community and they do not get paid for it - the House may think a sensible and worthwhile punishment for minor offenders,

Madam Speaker, Community Service Orders under section 13(5) can be imposed in drugs cases as follows - for an offence against subsection (1) of section 13, that is essentially consumption of ganja for a first or second offence but not for subsequent offences; for an offence under subsection (2), that is an offence for an offence concerning ganja where it is less than one pound for a first offence only, so not for a second or subsequent offence; for an offence against subsection (3), that is ganja of more than a pound, again for a first offence only but not for a subsequent offence; under subsection (4) that is hard drugs, the community service can at present be awarded in respect of a first offence only and only in respect of consumption and possession where less than two ounces are concerned. In other words, it is the first subdivision of the Table in Part B of the Second Schedule - Consumption and Possession less than two ounces first offence.

Section 13 also provides for things called Attendance Orders. These are dealt with in subsection (6). Let me first of all remind everyone what an attendance order is. It is defined in section 23(1).

"23(1)An attendance order made under section 13(6) shall require the person convicted to attend during such period not exceeding twelve months as may be specified in the order at a training centre or such other place as may be specified in the said order."

So, Madam Speaker, that allows the court to order mandatory training, attendance at a place where someone can be trained and that may, (I think) include some form of rehabilitative training or counselling. Let me just summarise the circumstances in which an attendance order may be awarded. Under subsection (1) that is essentially consumption of ganja for a first or second offence. In other words, the same for that as community service. Under subsection (2) ganja less than one pound a first offence, the same as community service. Under subsection (3) ganja more than one pound a first offence, same as community service. But attendance orders cannot be at present awarded in respect of any offence under subsection (4). In other words, at present they do not get awarded in respect of hard drug offences and in particular they cannot be awarded in respect of the consumption and possession of cocaine for less than two ounces.

In other words, they cannot be awarded on urine test convictions for cocaine, they cannot be awarded on simple possession of cocaine and, that is something that the Bill addresses. Madam Speaker, those are the present existing provisions of the Law.

Let me turn now to the Bill. The Bill has five Clauses; the first is simply citation and the second simply defines "the principal Law" as meaning the Misuse of Drugs Law (Second Revision) and they need no further comment. The heart of the Bill is contained in Clause 3. Clause 3 amends section 13 of the principal Law in three ways and it is divided into subdivisions little (a), (b) and (c). Little (a) amends the sentencing provisions in respect of hard drugs in respect of that first group in Table B in other words, consumption and possession of less than two ounces; Little (b) amends the provisions in respect of community service orders; and Little (c) amends the provisions in respect of attendance orders.

I am going to take each of those subdivisions in turn and deal first of all with little (a), inserts a new subsection called for ease of reference, 3A into section 13 to come between subsection (3) and subsection (4). In other words, it comes between the provisions dealing with amounts of ganja of more than one pound and the general provisions contained in subsection (4) relating to hard drugs generally.

What the new subsection 3A does, is that out of Table in Part B of the Second Schedule, it carves out and deals separately with that first subdivision of the table. In other words, consuming and possessing hard drugs of less than two ounces and creates a new specific subsection that deals with them. So subsection (3A) reads as follows:

“(3A) Notwithstanding the provisions of subsection (1), where a person, on summary conviction, is found guilty of an offence that -

- (a) is contrary to subsection (1) of section 3; and
  - (b) is in relation to a controlled drug that -
    - (i) is a hard drug; and
    - (ii) is less than 2 ounces in weight; and
  - (c) consists of buying, consuming, possessing or attempting to buy, consume or possess any such drug,
- that person shall be liable -
- (d) in the case of a first conviction for such an offence -
    - to a fine not exceeding ten thousand dollars or to a term of imprisonment not exceeding seven years or to both such fine and imprisonment; or
  - (e) in the case of a second or subsequent conviction for such an offence -
    - to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding fifteen years or to both such fine and imprisonment.”

Madam Speaker, the definition of the offence and the penalty is exactly the same as the amount prescribes in the existing Law. So you may ask, why have we done this? Why have we created this new 3A? Two reasons; first is that it enables separate provisions to be made in respect of community and attendance orders. More clearly so it is just at that level simply a matter of organisation and reference. But, secondly and more fundamentally the new provision omits those significant words contained in the existing hard drug provisions that require the sentence to include a term of imprisonment and a fine. It does not therefore, require the courts to impose a term of imprisonment and a fine in respect of consuming and possessing of a hard drug of less than two ounces.

We come back to that to the omission of the mandatory requirement that the court sends someone convicted on a urine test or someone convicted for simple possession that at the present we have a mandatory requirement that they go to prison. This removes it, I will come back to that later.

Let me now go on and look at the two other subdivisions of Clause 3, that is little (b) and (c) community service orders and attendance orders. Little (b) changes the community service provisions and the effect of it is that community service under it could now be awarded for any

ganja offence, not just a first offence as in the present provisions but a first or subsequent offence and makes the same amendment in respect of the first group in Table B, that is, consuming or possessing of less than two ounces of a hard drug. At present community service only for a first offence, this allows it to be awarded for a first or subsequent offence.

The amendment works by substituting a new provision for the existing section 13(5), the new provision reads: "(5) Where a person who has attained the age of 18 years (Green Paper says 17 years) is convicted of an offence punishable under subsection (1), consuming ganja, (2) ganja of less than one pound, (3) ganja of more than one pound or 3A that is the new offence hard drugs, consuming or possessing only less than two ounces the court before whom he is convicted may with the consent of the person convicted and subject to sections 19 to 22, in addition to or instead of dealing with him in any other way make a community service order.";

Madam Speaker, let me now go on to attendance orders, little (c) in clause 3, this allows attendance orders to be made in the same circumstances as community service orders may be made. Previously you will remember that they could only be made in respect of first offences for ganja could not have attendance orders in respect of consuming cocaine for instance. Yet you might think that they would be very beneficial for the unfortunate person who is simply a user of cocaine.

The Law changes that now and it permits attendance orders, mandatory training, to be ordered in respect of for ganja offences second or subsequent ones as well and for the first time allows it to be awarded in respect of consuming or possessing cocaine for less than two ounces for first or subsequent offences.

Let me now read the new subsection (6) that subsection (c) inserts into the Law.

"(6)Where a person is convicted of an offence punishable under subsection (1), consuming ganja, (2), ganja of less than one pound, (3), ganja of more than one pound, or (3A), consuming or possessing hard drugs of less than two ounces, the court before whom he is convicted may in addition to or instead of dealing with him in any other way make an attendance order in accordance with provisions of sections 23 to 25."

Let me now just go on and complete this review of the Clauses in the Bill before coming back to considering in more detail the changes to the sentencing provisions.

Clause 5 of the Bill simply makes a consequential amendment to the provisions governing mode of trial to make sure they take cognisance of the new section (3A). It does not change in anyway the provisions of the existing Law, merely recognises that new subdivision. I think I need say no more about that. And then Clause 5 of the Bill is again a consequential amendment and it deletes from Part B of the Second Schedule, that is the Table that sets out the penalties for hard drugs, deletes the offences that have now been carved out and set out separately in the new subsection (3A). That is in purely consequential on the amendments affected by Clause 3 and I will not refer to that again.

Let me now go on to explain in more detail why these amendments are being made. I have already read the passage from the Chief Justice and have told the House that it is that which triggered the putting forward of this Bill to enable the House to have an opportunity to debate the point made by the Chief Justice, the debate which he invited. I would like to say a word about the principle lying behind judicial discretion as opposed to mandatory sentencing. It is an important distinction and as I said earlier it goes right to the root of the way our system of justice, the system of justice, the common law system that we have inherited from the United Kingdom and which we share with so many Commonwealth countries.

The system vests sentencing discretion to Judges up to a maximum. It recognises that each case is different, and that there is never going to be two cases that are the same, and that the only person who has the facts and the training to decide how to deal with each individual case is the Judge hearing that case, who has the benefit of the evidence, has the benefit of hearing counsel, and the benefit of seeing the accused in front of him.

For that reason the Legislature traditionally sets the maximum penalty that it thinks a crime is worth but leaves the rest to the judge. Mandatory minima, the insertion in the Law of a requirement that the judge impose a term of imprisonment or a specified term of imprisonment, embodies a distrust of the judicial discretion. It means that the Legislature does not think that the Judges will impose sufficiently high penalties and therefore it mandates them to impose a threshold level of acquired minimum be it five months as it was under one of the minima in the Law before 1985, or whatever. It is a way that the Legislature forces its will upon the judiciary.

Madam Speaker, I have heard many complaints both in the debate we had here in June about the legal system and since about the way the legal system and the judiciary function. I have not heard a complaint that they are too soft on drugs and such complaint would, I think, be misplaced. If anything, the feeling I get from Members is that in some cases of consumption and simple possession it may be that sentences of imprisonment which are too harsh have been imposed upon people who are guilty because they are unfortunate enough to have become addicted to a hard drug and that for such wretched individuals that imprisonment may not be the answer.

Madam Speaker, the response to the judiciary to that argument is, "But look at the Law, you the Legislature require by subsection (4) of section 13, to impose a term of imprisonment in respect of consumption cases, that is the urine test cases, or simple possession." I am playing the devil's advocate for a minute, one can say back to them, "Ah, but you could just impose a notional sentence in respect of that requirement, send them to prison for a day or keep them in a lock-up for a day." But the response to

that is, "But that is not what the Legislature tells us it wants to do. If we do that we will be setting at naught to the express will of the Legislature in the legislation and, that would be wrong. If the Legislature does not want us to send all consumption cases to prison, it should tell us so and it should do so by an amendment. That is the amendment that is now before the House, that amendment and none other.

Just stepping back from the theory a minute and looking at the practice I am not sure that this amendment will make much difference in the majority of cases. It is a small step and if it is to be criticised it is because it is a small step and does not go on to remove that requirement for mandatory imprisonment in respect of trafficking offences for cocaine and in respect of possession of more than two ounces. It leaves in place mandatory imprisonment there, I have not suggested to the House in this Bill that that be removed, I think there would be opposition to it, and I think that that opposition would be justified.

I do not think anyone would imagine that a trafficker in hard drugs should not go to prison. Indeed, they should and they should go to prison for a substantial time. For that reason the Bill does not address trafficking at all. What it does do as I have said is that it allows the judge to decide on the facts in front of him in particular cases. Though in most cases imprisonment may still follow, there will be the odd case where facts where I cannot imagine now, and which we should not try and imagine, but where there is a combination of facts, presents itself, and where the judge thinks that in that case prison sentence should not be awarded.

I say one should not try and imagine. There is one circumstance where one could imagine that the judge might think it not appropriate to send a urine test offender to prison. Members say that the urine test is abused by repeat arrests of known users and that results in addicts being incarcerated repeatedly when prison is not the answer. But at the moment they have to be incarcerated because of the Law.

It may be that if a judge thinks that the urine test is being abused, it may be that if he thinks that the police have picked upon individuals and repeatedly tested them so that they have been repeatedly convicted. The judge can say under this amendment, but not at the present, he can say, "I am not having that, I am not going to send this accused person to prison. I am not going to lade him with more community service which he could not possibly do, I am going to impose nominal fine or whatever.

That is not to say that I think that abuse does happen, but if Members are worried that abuse might happen or has happened, the absolute answer to it is to give the judge the right not to inflict an additional penalty for further convictions. And that is what this Bill does. I know from what Members have said to me outside of the Chamber that there are concerns that the two ounce limit in respect of possession is rather a lot where cocaine is concerned and though I do not want to anticipate debate I think it would help if I set out the reasons for adopting that division.

I have already explained that it does not really apply in respect of consumption because you do not know how much somebody has consumed and so they always get charged under this provision. Where it does apply is in respect of possession. Some Members have said to me that possessing two ounces of cocaine is really quite a lot, and they are right. Two ounces of cocaine is 56 grams, and they say to me that it can be used to make a lot rocks, and that is right. But, what the amendment does not do, is it does not change the existing penalties and I can tell Members that if somebody turns up before the Magistrate with two ounces in his possession or just less than two ounces, just to take him below the threshold, and he says it is for his own use and there is no evidence to the contrary, and there are no mitigating factors, he will draw the maximum penalty.

Let me say a word about the way sentencing theory and policy works. The Legislature sets the maxima. The courts, in applying the maximum or the provisions to a particular case, look at the worse possible way the offence could be committed and then ask themselves how does the offence in front of me differ from the worse possible way? Then they discount the offence down for those mitigating factors. If someone comes before the court and they have got one gram, 1/56 of two ounces, the court will discount down from the maximum of seven years and they will adapt the maximum to the amount that is in the possession of the individual. They will take into account other factors; the personal factors of the accused, his economic situation, his marital status, his employment, his education, his intelligence, his background in mitigating and absolutely fitting the way they deal with him to his personal circumstances.

But it comes back to it that if somebody commits the maximum of the offence, in the worse possible way of the offence, with no mitigation, nothing in his background to justify it, a perfect education so that he knew what he was doing, no broken families as an excuse, and so on; for two ounces he will receive the seven years set out for a first offence under the Law. I make that point perhaps slightly repetitively but it is important for Members to bear in mind that his provision does not represent a softening of the existing penal structure.

Having said that, let me just say why the two ounce cut-off has been adopted. It is a very simple reason, it is the cut-off that is already in the Law, has been in the Law since at least 1982 or 1983, it is well understood by everybody and it can, because of that, conveniently be removed from the Schedule into the body of the Law without disrupting the overall structure of the Law because you may say is drafting convenience a sufficient answer? Well it may not be, but the existing framework of the Law is well understood, not just by the judges and the lawyers, but by the community as a whole, and in bringing this amendment, and in having it prepared and drafted, I have been concerned to upset the structure of the existing Law as little as possible. For that reason I have retained the existing framework that simply moved one existing division of it into a separate part of the Law.

That also has the advantage that it allows existing sentencing guidelines to continue to apply and those guidelines are contained in judgements of the Grand Court and the Court of Appeal. The legal department and the judges abstract them and keep a record of various sentences imposed for

various amounts and refer to them as precedents in order to secure consistency within the existing framework. By not changing the existing framework we have the benefit of being able to continue to use those sentencing guidelines.

We might have approached this in a different way and recognising, as I think everybody does, that simple possession of small amounts of cocaine and crack may not merit imprisonment in all cases. We might have tried to set some other threshold amount, some other amount than two ounces. We thought about doing it that way, the first problem is that I do not think there would be any agreement on what the threshold should be and we would be faced with a lengthy debate in the House as to quite fine adjustments of weight. More importantly, there is no need to do that and it comes back to judicial discretion and what the judges are for.

If the House had exercised its imagination to try and arrive at agreement as to what the cut-off amount should be, then you would have been micromanaging that judicial discretion in a way that, first of all you do not need to do, and in a way that would simply be contrary to the principles that I have already referred to. One can leave it to the judges on the facts of any particular case within the broad framework of less than two ounces, or more than two ounces. You can leave it to them to decide what the appropriate penalties are.

In other words, give them broad guidelines, do not get bogged down in detail that you may not be able to resolve or agree upon. In this context I would also just like to draw the House's attention to the distinction between simple possession and possession with intent to supply. I think by simple possession we all understand that and it means possession for one's own use and without a provable intent to sell it or supply it to others. This amendment only affects simple possession. There is a separate offence for possession with intent to supply and that is dealt with and specified in the part of the Table B that deals with trafficking offences. Possession with intent to supply of an amount less than two ounces draws a maximum penalty of 15 years and an unlimited fine on a first conviction and on a second conviction it draws a maximum of 20 years and a fine without limit as amount.

I think if Members look at the way that Table B is printed in the Second Revision they may say, well I do not see possession with intent to supply, so it may help if I tell them that it was added by the amendment by Law 8 of 1986. What is possession with intent to supply and how do you prove it? It is simple, it is what the offence itself says, it is possessing a drug with intent to supply it to another. Possessing it in other words for a purpose other than for one's own private use. How do you prove it? From the circumstances of the case which may vary from case to case.

In the most obvious case you may catch somebody in an act preparatory to actual supplying. You might find him sitting in a car parked outside a bar at 2 o'clock in the morning with lots of rocks packaged in silver paper, sitting on the seat beside him. That is the sort of classic case in which there is a strong inference that he possesses the drug with intent to supply. Packaging it up is in itself an indication that you intend not to use it for yourself but to pass it on to others. Amount alone is not enough for this inference but taken with other factors it might be, so that an unpackaged amount of one ounce, which is quite a lot, may if found in circumstances by the evidence shows that people have been coming in and out of your house all day, give rise to inference that the householder possesses that with an intent to supply it to those who come and go.

It is a question of the circumstances this is very important in the context of whether the threshold of two ounces or not for simple possession, it is a proper threshold. You can possess with intent to supply an amount of less than two ounces and if you do it is 15 years imprisonment as a maximum. If you possess more than two ounces the maximum is 20 years imprisonment for a first offence. So the argument that two ounces is an awful lot, two ounces can make a lot of rocks that can be supplied to others, is not really an argument against this amendment because if the circumstances show that it is in fact, intended for supply, then the accused person faces not only a much higher level of imprisonment, but also the removal of the requirement that he be sent to prison. The mandatory imprisonment provision will not affect him because we are keeping that mandatory provision in respect of the trafficking offences.

In conclusion let me reiterate that in the case of hard drugs this amendment only applies to consumption and simple possession of less than two ounces. It does not apply to the trafficking offences. It does not lessen the scale of penalties and in appropriate cases simple possession of a large amount but less than two ounces will draw a penalty of up to that maximum of seven years. Finally let me reiterate that consumption offences and simple possession offences are those cases where I have sat in this House and heard the most fears expressed by Members as to the inappropriateness of prison in all cases. There may be many cases where it is appropriate but there will always be those exceptions that prove the rule where it is inappropriate.

I submit to the House that it should be for the judges to decide which those cases are that we should not try to second guess them so that in those cases where it is appropriate that an individual has fallen into drugs, where no blame attaches to him, and where there is a possibility of rehabilitation or reform, that he should not be sent to Northward, should not be put in a position where his life may be destroyed by a period of imprisonment, where his job may be lost by a period of imprisonment, and where he may be forced into circumstances where he associates with those much more hardened to crime and drug use than he is.

Madam Speaker, this allows the judges to avoid that happening and Madam Speaker, that cannot be bad.

**MADAM SPEAKER:**

The question before the Honourable House is that a Bill entitled the Misuse of Drugs (Penalties) Bill, 1992, be given a Second Reading. At this time I will take the adjournment of the House.

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, as we want to complete the agenda for Finance Committee this afternoon, I would move that we adjourn this Honourable House until Monday morning at 10:00 a.m.

**MADAM SPEAKER:** The question is that this House do now adjourn until Monday, 9th March, at 10:00 a.m.

**QUESTION PUT: AGREED.**

**AT 12:02 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
MONDAY, 9TH MARCH, 1992.**



**MONDAY  
9TH MARCH, 1992  
10:03 A.M.**

**MADAM SPEAKER:**  
Services.

Prayers by the Honourable Member for Health and Social

**PRAYERS**

**HON. D. EZZARD MILLER:**

Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the 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 in the Legislative Assembly are resumed. Government Business, Bills. Second Reading Debate, the Misuse of Drugs (Penalties) Bill, 1992. The Second Elected Member for Bodden Town.

**GOVERNMENT BUSINESS**

**BILLS**

**SECOND READING**

**THE MISUSE OF DRUGS (PENALTIES) BILL, 1992**

(Continuation of debate thereon)

**MR. G. HAIG BODDEN:**

Madam Speaker, I oppose the Bill before the House. The Member, in putting forward the Bill on behalf of the Government, made it clear that the main reason for this Bill is to do something about the situation which the Chief Justice pointed out in his speech earlier this year. That situation is the over-crowding of the Prison due mainly to drug offenders being incarcerated. I think the Chief Justice even questioned the efficacy of the sentencing.

It is my opinion that this Bill is not the answer to the problem at the Prison. The problem at the Prison is not the result of the Drugs Law. The over-crowding at the Prison is due simply to the lack of planning by the Government. Ever since 1984, the number of drug cases have been rising rapidly. I believe the statistics for 1984 show that there were only four cases of cocaine where there were convictions and last year there were some 383 cases and a total of 903 drug cases of. If we add to this the 955 cases of burglary and theft which are crimes that go hand in hand with drug abuse, we find that we are looking at nearly 2,000 cases of criminal activity which did not suddenly come upon us but which have been going steadily upward over the last eight years.

If we look at the Police Report for last year we will see that the number of cases for ganja in 1991 were three times what they were in 1989. Five more cases and it would have been exactly three times as much; 412 cases as against 139 in 1989. The cocaine offences were almost three times what they were in 1989, 383 last year as against 138 in 1989. Miscellaneous offences that were involved with drugs were 50 per cent more than 1990. So the total number of cases reported for 1991 of drug offences is more than double its 1989 figure and almost double the 1990 figure. Add to that the fact that there is one theft or burglary for each drug crime. In fact, there is more than one per drug crime.

Another cause for concern and another symptom of what is happening is that last year drug offences involving females were double what they were the previous year, far more than double. There were 80 last year as compared to 33 the year before. The amount of traffickers arrested were

119 as against 40 the previous year. Adding one more to 119 would be 120 would be exactly three times as many traffickers. The Report goes on to say on page 18: "These seizures, together with those effected by the Customs Department, demonstrate that drugs remain readily available.". I believe that this is the key to the entire problem. The drugs remain readily available. It goes on to say: "Whilst these (prices) remain higher than in the US, they have not increased, thus demonstrating that supply is keeping pace with demand."

This is the problem which the Government has to attack, the problem that the drugs remain available and that the supply keeps up with the demand. So the Government, if they are going to help at all, must make an effort to lessen the demand. This effort can only be made in one way. That is through education of the young, and instruction of the person who has already become involved, and an attempt to lessen the habit. It points to one thing only. Two things are going to help. There must be an adequate education policy and there must be a rehabilitation programme with a local facility, something which the Government refuses to accept.

We heard them a few days ago in all of their glory shouting down the Private Member's Motion that sought to establish a rehabilitation centre in these Islands. Despite the fact that all of the studies Government has paid for have pointed to one thing only, that penalties are not the answer. Education and reform is the answer.

It is funny how the Government singles out what appears to me to be one of the least important points made in the Chief Justice's speech and goes to town to correct the evil which they have created, ignoring all other aspects of the speech. The Government announced some time ago that they were going to take the Court system down to Safe Haven on Seven Mile Beach, or somewhere like that. The Chief Justice, in the same article in which he spoke about the over-crowding at the Prison, attacked the Government, and that is a kind word to use, he slapped them in the face for even thinking about the idea.

Quoting from the article which the Attorney General introduced in the opening of this Bill. The Chief Justice had this to say about the Court House and I quote: "I venture to think that the needs of the Judicial Department for the next decade at least will be met by finding suitable facilities for the Magistrates as close to this Court House as circumstances will allow. This Court House will then be confined to the Grand Court, the Court of Appeal and the Offices of the Clerk of Court. It is a logical development. Further, it keeps the Grand Court where it should be at the centre of George Town with open spaces around it, a symbol of the belief and aspiration that untainted justice is in the heart of the country."

This matter has been attacked by Members of the Backbench as well because we feel that it is wrong. Yet, there is no statement from the Second Official Member that he is not going to let the Elected Members do what they say they were going to do. And that is....

**HON. LINFORD A. PIERSON:**

On a Point of Order, Madam Speaker.

**MADAM SPEAKER:**

May I hear the Point of Order, please? [*Addressing the Second Elected Member for Bodden Town*] The Member has said a Point of Order. I need to hear it. Would you sit down sir? Thank you.

#### POINT OF ORDER

**HON. LINFORD A. PIERSON:**

Madam Speaker, the Member speaking is misleading this House. The Government has never had a policy, or formulated a policy of building the Courts Office in the West Bay Beach area. In question time here in the House, it was explained to the House that Government was looking at various possibilities but it had never been decided that Government would build a Courts Office on the West Bay Beach.

As a matter of fact, and to enlighten the House, a decision has been made that Government will now go ahead and add a part or a second phase to the present Courts Building. Those are facts, Madam Speaker.

**MADAM SPEAKER:**

Honourable Member, that was not a Point of Order. It was an elucidation of a matter, but it is not a Point of Order. I accept your statement.

Bodden Town?

Would you please proceed, Second Elected Member for

**MR. G. HAIG BODDEN:**

Madam Speaker, I know when I touch these 'user-friendly' areas this is what we get. But I am not the only one saying that it is wrong. I am wondering where the Chief Justice got the idea that they were going to move it? The Chief Justice got the idea the same way I got it and the same way the Backbenchers got it because the Government said it! They can do what they like now, however, I will go on with my debate.

The other point made in this article, which the Attorney General introduced which was far more important than any point we have dealt with yet and which has not been replied to by the Government, was where the Government actually changed the Juvenile Law in 1990 against the protests and the votes of every Member of the Backbench, except the First Elected Member for Cayman Brac, and made criminals of eight year old children.

In this article the Chief Justice had this to say: "I regret to say that the age of criminal responsibility remains at eight years of age. Happily in 1990 and 1991 there were no prosecutions of children under the age of 10. Whether it was that the children aged eight and nine are all little angels or whether it was that the law enforcement officers took a benign view of their misdeeds is not revealed by

statistics. If it was the latter, I think we should feel obliged to the law enforcement authorities."

The Chief Justice is perplexed that the Government, despite the good advice of the Backbench, has not seen fit to correct the grave error which they made in making criminals of eight year old children. I think this needs correction by an amendment to the Juvenile Law far more than we need this amendment here today.

The over-crowding of the Prison is no different from the lack of office space which the Government is plagued with. It stems from the same root, lack of Government planning. They have doubled the number of civil servants and have provided no office buildings. Now they are going out and paying three times the cost of space of what they could build. The other reason why the Prison is over-crowded is not only because of drug offenders but because of immigration detainees, mental cases and juveniles. We heard they were taking up space in the West Bay Prison and in Cayman Brac some times. People are awaiting trial and so on.

The answer to the over-crowding is not a lessening of the penalties for drugs. How can the Government at this time, in the face of the statistics which they have published, seek to make things easier in the sentencing or otherwise dealing with drug offenders? How can they seek to do it? I have read out the statistics and I think they are pretty well known and it would appear to me that they need to increase the penalties. I know the Member has tried to put forward a case that there is no change in the penalties, that it is only in the way the Judge is going to administer the sentences and all that. I knew he was in trouble with this Bill from the length of the introduction and everybody knows it because this Bill is nothing but an election year plum seeking to garner a few votes. An election year plum not dealing with the problem in any sensible fashion.

To my mind this Bill is the most important piece of legislation to come to this House in the last 12 months. It was not mentioned in the Throne Speech because it had not been conceived when the Throne Speech was written. It is my firm belief that this Bill was only hatched after the Private Member's Motion asking for the rehabilitation centre was put on the agenda.

How is it that an important piece of legislation such as this was not sent out to the Cayman Bar Association, was not sent out to the Law Society, was not Gazetted in time, and handed to us after this meeting was called? It could not go on the Order Paper for the first day because it had not been Gazetted in time. Crisis management, electioneering, not solving the serious problems. Something of this magnitude demanded that an informal meeting should have been called and this matter be discussed with all the Members of the Elected Government and with other interested people. When the Business Committee met to fix the Orders of the Day for this House, we could not put this Bill down because it had come hurriedly and it is a good thing that we have had an extended meeting and it finally reached the Order Paper. Let them deny that if they can. Crisis management.

I think I heard one Member of Government talking about other amendments that are going to come perhaps in June, perhaps in September. We know full well they will not come from that Government afterwards. But in the few days of grace that are left to them, we hear about substantial amendments that are coming. Pure crisis management. The Bill, to say the least, has been badly timed by not coming out in sufficient time so that it could be discussed. The Government has consistently refused to take any action that would help in the war on drugs and this is why this Government is losing the war on drugs and this is why it is getting worse.

When the Member for Health receives a report like the one that is here suggesting that he decentralise his Social Services based on the six districts, you think that is going to be done hurriedly? No, because this may help the drug problem. I have said this time and time again, a Social Worker must be placed in each district, must live in each district so that when there is a problem a parent can call upon the Social Worker and say to that Worker, "My Mary/Johnny is presenting a problem to me. I believe she/he is in the wrong company," or "taking drugs," or whatever, "talk to her/him." You are never going to help when they have to go to the Hospital and find out which cubbyhole the drug counsellor is in and whether he is counselling on drugs or some other matter that day, as the Member mentioned last week in his debate on the rehabilitation motion.

If we want to help the drug problem we must do what that report says and have after school programmes for youth in the districts. It says use the Civic Centres. The Member for Education for eight years has refused to fill the play field at Bodden Town because he thought it would hurt Jim Bodden or Haig or Franklin Smith or Roy. He does not care whether the children of that district have any place to go. Yet, he will get up and blame the Backbenchers. The day of judgement is coming. I could go on and on but I think I must look at the Bill for a short while before I close.

The preamble of the Bill says: "The intention of this Bill is to allow the courts a greater sentencing discretion where the amount of the hard drug is less than 2 ounces and the offence is one of buying, consuming or possessing the drug or of attempting to buy, consume or possess the drug." Now if I were a person who was easily brain-washed, or a person who was easily convinced, I would have swallowed his story about the two ounces of cocaine, or just under two ounces as it could be just one gram less than the two ounces being a small quantity and the quantity was put in because that was already mentioned and people knew what two ounces were. I do not think he is in touch with reality.

Two ounces of cocaine or any hard drug is a lot of "coke". Two ounces of pure cocaine is several thousand dollars. Two ounces of cocaine and three pounds of baking soda and other ingredients can make many "crack rocks". The Government is playing with fire. This situation is so serious that I trust that if we have not yet come to the coffee break by the time the vote is taken, the Member will call Executive Council together, along with the First Elected Member for Cayman Brac, who I know is going to support the Bill, and invite them to withdraw this Bill. If every drug user is going to be allowed two ounces or almost two ounces of hard drugs full well knowing that they will receive a fine which probably can be paid by the sale of half of it, we are opening up Pandora's Box.

I believe the Government is wrong in presenting this Bill at this time and in this fashion, not giving the public even time to find out what was in it because, as I said, this important Bill was not Gazetted in time, could not go on the agenda in the early weeks of this meeting and it is disgusting to see the Government panicking but when they are doing it over a matter so important, it becomes far more disgusting and I suggest that they withdraw the Bill.

**MADAM SPEAKER:**

Would any other Member wish to continue the debate on the Second Reading of the Misuse of Drugs (Penalties) Bill, 1992? (pause) If no other Member wishes to continue then...

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. Madam Speaker, I rise to oppose a Bill to Amend the Misuse of Drugs Law as being proposed by Government. In effect what it is doing is calling for the Law to be amended to give the Magistrate more discretion with regard to the possession or the consumption of amounts of cocaine or ganja less than two ounces.

Madam Speaker, in my opinion this is not the answer to our fight against drug abuse in this country. I do agree that an alternative must be found to sending people who are convicted of drug consumption to Northward Prison. I feel that the Backbench, in a motion raised by the First Elected Member for West Bay and myself, was the alternative where we called upon Government to establish a rehabilitation centre and also to amend the Law giving the Judge the alternative of sending these defendants to the centre for proper treatment of their problem.

I feel that what this amendment will do in effect would be to encourage drug trafficking in this country because two ounces of cocaine or one gram less than two ounces of cocaine is still a lot of cocaine and according to my information, two ounces of cocaine has a street value of about \$15,000 and that is pure cocaine. In most cases what they will do is that they will mix it with something else so it goes much further. So it would encourage drug trafficking because all that the pusher will do is to ensure that he has less than two ounces of cocaine in his possession. With this amendment the Magistrate will be basically looking on imposing a fine for amounts less than two ounces.

I feel personally that this amendment is nothing more than a political ploy in order to win support from some quarters for the Government. I feel that this issue has to be addressed and must go beyond the realm of political ambitions because drug abuse in this country is one of the most serious social issues that we are faced with. Government has done little or nothing to address this very serious matter.

The other thing which this amendment calls for is for the Magistrate to have the discretion of ordering the defendant to serve some community service. I really do not have a great deal of objection to that type of order in some cases but what that does, when you are talking about a community order, is provide a strain on the resources of the Social Services Department because these defendants have to be monitored and supervised by someone and from information which is available, the Social Services Department is at present understaffed and this will only further exaggerate their staff shortage position.

According to the Second Official Member who presented the Bill on behalf of Government, the Magistrate will also be in a position to issue an attendance order as called for in section 23 of the Law. This is with respect to ordering defendants to trade schools or training schools or local institutions where they can learn a trade. At the present time I do not see that option being available because Government at the present time does not have any trade schools established where the defendant could go and learn a trade.

I think personally that it would be impractical to order the defendant to the Community College because I think when you are dealing with persons who have a problem with drug abuse or a drug addiction, in those cases they probably have an academic deficiency which would make it very difficult for them to survive or function in that kind of environment. So the alternative to a prison term in this case, as far as Government is concerned, is a fine. A fine does nothing to discourage drug abuse. What happens in most cases is that the defendant is fined. The defendant is from a family who cannot afford the fine, he cannot afford it himself and what happens is that it ends up that the mother or the father has to go out and pawn property to secure loans in order to pay these very stiff fines to the court. But it does nothing to eliminate the problem of drug abuse.

What happens to that defendant because he continues to have a problem which is not addressed, is that a few months down the road he is once again before the court on similar charges because a fine does not eliminate the problem of drug addiction. The only suitable alternative that I see to this problem is the establishment of a local rehabilitation centre where persons who have a problem with drug addiction can be treated. In the rehabilitation centre the defendant is subject to counselling and treatment for his problem.

The Second Official Member also mentioned when a defendant is caught determining whether or not the amount in his possession is for personal consumption or for trafficking. My question is who determines the intention of that person as far as the drugs he has in his possession are concerned? If he has 20 or 25 "rocks", which is possible from two ounces of cocaine, are the Police going to be in a position to say that is for trafficking? No. He could easily have 20 or 25 "rocks" in his possession for personal consumption. So it is going very difficult. I think it puts the Police in a very difficult position as far as determining what is for trafficking from what is for personal consumption.

Madam Speaker, I perceive this present amendment as a relaxation of the restrictions and penalties for consumption and possession of illegal drugs. I would not, for one

moment, want to see our society infested with drugs to the extent that I witnessed in the city of Amsterdam some time ago. My colleagues and I flew over there for the weekend and for the benefit of those who do not know much about Amsterdam, Amsterdam has relaxed the penalties and restrictions on illegal drugs. That whole society has been permeated with the illegal use of drugs. I intended to stay for the weekend but my two colleagues and I who flew to Amsterdam for the weekend decided we were going to leave the next evening because of the environment that we found in that place. When we were leaving we literally felt filthy from being in that kind of environment. When politicians are prepared to stoop to that level in order to get political support, I say shame on those individuals.

What we should be doing is tightening the screws on drug trafficking and drug traffickers, not relaxing the rules. We can boast now of a society which is fairly crime free but as the use of illegal drugs becomes more accessible and you have more persons addicted to this very destructive drug, those addicts are going to resort to any measure in order to support their habits. If they cannot find the money at home they will break into my house and your house in order to get the money. If it means killing you or I in the process, they are prepared to do that.

Drug addiction is a very serious sickness which has to be treated. This amendment does nothing to address the problem of treatment of this very serious illness. As a result of this amendment we will have more drug addicts. We will have an increase in trafficking and we will have a corresponding increase in the incidence of serious crime in this society.

I do not support this Bill and I, as the Second Elected Member for Bodden Town said, feel that Government, in the best interest of the people, should consider withdrawing this Bill. I feel that it will only increase the problem of the incidence of drug abuse in this country. I, for one, will not support any measure that encourages drug abuse in this country.

Thank you.

**MADAM SPEAKER:**  
Works.

The Honourable Elected Member for Communications and

**HON. LINFORD A. PIERSON:**

Madam Speaker, many times I know Members rise to speak and in so doing said they had no intention of speaking on a matter before the House. I can sincerely say that when I came here this morning this was true in my case. Having listened to two previous speakers speak on this Bill before the House, I could not but think that there seemed to be a lot of conflict in some of the matters I have heard them support and object to in the recent meeting of this House.

My understanding of this Bill is not that Government is getting soft on drugs. To the contrary. In one breath I have heard the Third Elected Member for West Bay and the Second Elected Member for Bodden Town state that Government is not sympathetic to those people who have a problem with consuming and possession of drugs and that we did not support the rehabilitation centre which was proposed in a Private Member's Motion.

I have heard them get up in this House and say that prison is not the answer. Yet, this Bill purports or intends to put a discretion in the hands of the learned Judge in order that a form of rehabilitation can be made available to the consumer and those people unfortunate enough to be hooked on this deadly drug or with this scourge.

The Memorandum of Objects and Reasons of this Bill states quite precisely that: "At present section 13(4) of the Misuse of Drugs Law (Second Revision) provides that where a person is convicted of any offence under the Law in respect of a controlled drug that is a hard drug the sentence must include a term of imprisonment and a fine.". If Members of the Backbench are going to suggest that imprisonment is not always the answer, how can they, in the same breath, be so vehemently opposed to this Bill. I have to question whether in fact, it is not political where they are concerned. They have accused the Government Bench of playing politics with this matter. This is too serious a matter for anybody to play politics with least of all myself.

(Second Revision) it states specifically:

In section 13(4) of the Misuse of Drugs Law (13 of 1973)

"(4) Notwithstanding the provisions of subsection (1), where a person is convicted of any offence that -

- (a) is contrary to any provision of this Law; and
- (b) is in relation to a controlled drug that is a hard drug, the sentence shall on summary conviction include a term of imprisonment and a fine in accordance with the provisions of Part B of the Second Schedule."

Madam Speaker, Part B of the Second Schedule states quite specifically and it is divided into sections the offence being buying, consuming, possessing attempting and the amount of the hard drug being less than two ounces, on first conviction the maximum period is seven years plus \$10,000.

There is no discretion given to a Judge under the present Law. What this Bill intends to do, the purpose of this Bill is to put some amount of discretion in the hands of the learned Judge. It is quite clear in the Memorandum of Objects and Reasons what the intention of this Bill is. It reads: "The intention of this Bill is to allow the courts a greater sentencing discretion where the amount of the hard drug is less

than 2 ounces and the offence is one of buying, consuming or possessing the drug or of attempting to buy, consume or possess the drug."

I have heard previous speakers refer to trafficking of drugs. That has nothing to do with this Bill. The trafficking offence of drugs is a totally different matter. This is a matter of consuming and possessing the drug, one that affects the individual personally and no doubt an individual who has been hooked on this deadly scourge. I could have sat and not said anything on this Bill as feeling in myself that it does not concern me personally because I have not had a problem in this respect. Neither am I aware of any relatives or friends directly who have this problem. But this is not the duty of a good representative in this country. We must take into account all the needs of our people regardless of the strata of society or regardless of what section of the Islands they come from. It is our duty to try to assist our people in whatever way possible.

I know of a number of my constituents who have had a problem and I would hope that Northward Prison, for them, is not the answer. Members of the Backbench have gotten up here and said that in support of a rehabilitation centre that Northward Prison is not the answer yet they object to this Bill. That is in conflict with their previous position in support of a rehabilitation centre.

Those same people who are so "gung-ho" and supportive of a rehabilitation centre did not find it even necessary or convenient for them to have even attended a recent dinner at Radisson Hotel which was there to assist or support the people who want to develop the Canaan Land Rehabilitation Centre. I looked around and wondered what had happened to all of the proponents of the rehabilitation centre. Were they putting their money where their mouths are by buying a dinner to support such a project? No. We have a lot of political rhetoric in this House but when it comes down to the nitty-gritty where are these Members?

Madam Speaker, as usual I do not want to refer to any Member of this House but I would appreciate if when speaking, Members would show the courtesy by not talking across the aisle and trying to interrupt Members on their feet. That is all that I am going to say about this. Each Member of this House has an opportunity to speak. Let them get up and do that. That is why they are elected, to represent their people.

The other point is this Bill does not purport to change the penalty. It is not correct that we are making things softer. Where it changes it is that it gives a discretion to the learned Judge to do one or the other, or both as he sees fit but that it is not mandatory that he should have to imprison a first, second or subsequent offender but that he can use his best judgement in these cases.

Madam Speaker, I heard the Second Elected Member for Bodden Town get up, and you will note that even during this sitting of the House that I rarely get up to speak on a matter unless I feel very convinced to do so but I cannot sit by and hear Members intentionally mislead this House and thus the listening public into matters that they know are not correct.

Madam Speaker, I want to apologise to you for perhaps arising on a Point of Order to correct the Member who was trying to mislead this House. I regard a Member intentionally misleading this House as much out of Order as imputing proper motives or any of the other areas which would come under a Point of Order. I think that it is not right to the listening public and to this House that Members should intentionally do this.

The Second Elected Member for Bodden Town was quite categorical in stating that Government had entered into a policy to develop a Court House in the West Bay Beach area. He knew that this was not the case because the matter was dealt with at length during question time in this Honourable House. He was told, as other Members were, that the matter was receiving attention and that that particular area would be considered amongst other areas.

That is indeed the case and it is the fact that Government is now seriously addressing the issue by looking into the Phase II development of the Courts Building in the present premises and in the present location. So there is no truth that Government is now pursuing the development of a Courts Building in the West Bay Beach area.

Madam Speaker, I want to point out that this Bill is not one, and I want to make this quite clear to this House and to the listening public, which is taking a soft position on drugs. I thought that the Honourable Attorney General, the Second Official Member, had made this quite clear and there would have been no need for any Member to get up in here and accuse the Elected Members of playing politics with this Bill. It is too serious an issue for any Member in this House to play politics with. It is dealing with the consuming or possession of drugs or of attempting to buy, consume or possess. It is not dealing with trafficking, as we know trafficking as it exists. It is not dealing with that issue.

More importantly, the level of penalties in respect of these offences remains the same. So no Member listening or no member of the public should feel that this Bill is going to reduce the level of penalties. The level of penalties in respect of these offences remains the same.

In the same way, the Bill amends the Law to give the Court a power to impose a community service which is a rehabilitative measure. If it were not, then the Judge would just as quickly, the Chief Justice would not have suggested that we look at this part of the Law. If a Community Service Order was not a means of rehabilitating an offender, then the Judge would send them to Northward Prison. But we accept in this House that prison is not always the answer to an offence and thus the reason why we want to put into the hands of the learned Judges, the discretion of imposing a Community Service Order or an Attendance Order where the amount of drugs involved is small and the Court considers such an Order to be an appropriate punishment. This is a judgement which is taken after considering all of the factors involved.

Section 13, as amended, reads:

"(3A) Notwithstanding the provisions of subsection (1), where a person, on summary conviction, is

found guilty of an offence that -

- (a) is contrary to subsection (1) of section 3; and
- (b) is in relation to a controlled drug that -
  - (i) is a hard drug; and
  - (ii) is less than 2 ounces in weight; and
- (c) consists of buying, consuming, possessing or attempting to buy, consume or possess any such drug,

that person shall be liable -

- (d) in the case of a first conviction for such an offence -  
to a fine not exceeding ten thousand dollars... [The level of penalties have not changed, Madam Speaker] "...or to a term of imprisonment not exceeding seven years or to both such fine and imprisonment;".

The levels of the penalties have not changed. All that it has done is to give the learned Judge the discretion so that he can decide whether such an individual should be given a Community Service Order, and I will not go into the details of this but it is an Order which is organised and supervised by the Courts. The individual is not left on his own to do as he pleases. He is still under the supervision of the Courts.

- "(e) in the case of a second or subsequent conviction for such an offence -  
to a fine not exceeding twenty thousand dollars or to a term of imprisonment not exceeding fifteen years or to both such fine and imprisonment."

The Bill goes on to show the amendment where the Judge can use his discretion by imposing a Community Service Order or an Attendance Order.

I would have thought that with the interest expressed by Members of this House and in particular the Backbench, that they would be most interested in whatever this country can do to rehabilitate the young people in this country. I have to insist and I have to submit that a Community Service Order and an Attendance Order supervised by the Court is just one of the many ways that this country can try to rehabilitate the young people in this country under this scourge or the plight of drugs.

I am the first one to come down hard on anybody involved with drugs because I am totally opposed to it. I also have seen the family life and the situation of individuals who have been caught up with this scourge. One knows how difficult and I have not had this problem but I have seen individuals with it, with even giving up the habit of smoking a cigarette. It is my understanding that the chemical dependency of these drugs is just as bad and that imprisonment is not always the answer. What this Bill purports to do, the intention of this Bill is to put that discretion in the hands of the Court so that they can assist in the rehabilitation process of our people.

my full support.

I could not think of a better objective under this Bill and I give it

Thank you, Madam Speaker.

**MADAM SPEAKER:**  
House will be suspended for 15 minutes.

This would be an opportunity to suspend for 15 minutes. The

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

**HOUSE RESUMED AT 11:48 A.M.**

**MADAM SPEAKER:** Please be seated. Debate continues on the Second Reading of the Misuse of Drugs (Penalties) Bill, 1992. The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. I listened very carefully to the very able and eloquent opening which the Honourable Attorney General made on this Bill and a lot of the research he obviously did which I think was good. Notwithstanding that I oppose the Bill and I would like to set out some of the reasons that I do so.

This is a reduction of a minimum sentence. Notwithstanding what the Government has said, and really it has only been so far the Member for Communications and Works who has spoken from the Elected side of Government, but it is in fact reducing the mandatory sentence of at least one day's imprisonment down to where it can be a fine *in lieu*.

I am very much against drugs especially hard drugs and I feel that with the growing problems which the country is having that any changing in this, unless it is one in which I can be satisfied is going to actually improve the situation with drugs, then I am not prepared to support it.

The present situation is that the Court, in relation to hard drugs,

must sentence but that sentence can be just one day's imprisonment. The reality of the situation is that the Court normally imposes a sentence of between six to 24 months, depending on whether it is the first offence and depending on the number of convictions that the person may have had for simple possession or consumption of a hard drug. Therefore, in reality this amendment is not really going to do anything as long as the Magistrates Court continues to impose that sentence.

I believe it is imposed to a large extent not because there is imprisonment and a fine prescribed by Law, but because the Legislature has found and regarded that these offences relating to hard drugs carry a very high maximum period of imprisonment.

I will not go into these in any depth because the Honourable Attorney has gone into them quite ably and in depth. For consuming and possessing where the amount is less than two ounces, which is what we would be talking about here, still carries a maximum of seven years imprisonment and a fine of \$10,000 maximum. So I do not really think that in reality, from the practical side of it, that we were going to find the Courts suddenly taking and just imposing fines for hard drugs. The sentencing, as I said, as I understand it from the Magistrates Court, have been, on average, six months to 24 months. It is not a situation where, for example, for ganja some years ago there was imprisonment for a day which had been going on.

So I do not think that the country and the Government should be seen to be appearing to go easier on hard drugs. I accept the principle that the Chief Justice has stated about giving the Court a discretion and I agree with that principle. However, that principle has to be looked at in the light of what are the alternatives. I do not believe that the Chief Justice was saying in that that the answer, the alternative to imprisonment, and the answer for keeping drug offenders straight is a fine. I do not believe that.

I believe that he, like ourselves, is striving to find what the real solution to the problem is. We put forward a solution to the problem. We asked for a rehabilitation centre and I have no problem with giving the Court the discretion to send a person to a rehabilitation centre where they would get some good but I really do not believe that merely fining someone, which the Courts in my opinion and practice are not going to do anyhow, is a matter which we should be looking at this stage.

I really believe that the problem which we have with drugs has to be not only with the effort that is put on educating people, the preventative side, but there has to be a lot more emphasis by the Government on rehabilitation. I would want to think that the Courts, when they raise these problems, are really saying that prison is not the answer. Obviously leaving the person with the problem and just fining them is not the answer. The alternative must lay in something else and in my view, I submit that a rehabilitation centre must be the alternative to sending the prisoners in there for six months to 24 months at a time.

I guess my views are basically that if you can take away someone's liberty then you should be able to not only send them to prison but also to send them to some type of centre in which they can get help and make them go to it. The question of mandatory sentences unfortunately still remain in our Law and they stretch from the mandatory sentence for murder which is now life imprisonment, the Judge has no discretion in it, he must impose it, all the way down to where you have for example, if a person drives a motor vehicle without insurance the Judge has, except in extremely odd circumstances, he must lose his licence for a year. Or you have for example, where you get multiple traffic offences, there must be disqualification. Also for example, driving while disqualified, I understand even though I am not sure of that one, it normally is a mandatory imprisonment of a month or something like that. That I am not too certain of.

What I am saying is there does exist these mandatory sentences and lawyers do not like it, I do not and the Court does not but I believe when we are doing something to remove them we have to look at what the alternative to it is. Surely the aim of everyone here has to be finding out what are the practical solutions to the problems.

I take the point that the Third Elected Member for West Bay raised, if a person is caught with two ounces of cocaine or hard drugs, it may well be clear as to what he is doing with or it may not be very clear. But somebody with two ounces of hard drugs probably may not necessarily be having it for his own use. So perhaps, and I know why the two ounces was taken is because it defines and differentiates between the penalties in the Law as the Attorney General mentioned. The difference for example, between buying, consuming or possessing less than two ounces is seven years. While the maximum, if it is over two ounces, is 15 years. So there is quite a large difference. It is a doubling nearly, of the offence if it is above it because it is a large amount I would think, of drugs. I do not know what the cost is but it must be substantial.

So I would like to look really at the Law as whether it is really going to achieve any solution to what the real problem is. The real problem is that we have people coming up for example, on a first offence, some of them on subsequent offences for drugs, and the answer, I do not believe, is letting them feel in their minds that the Legislature is getting ready to ease the penalties on them. I really think it should lay in keeping penalties but providing a good alternative to imprisonment. In my opinion, a good alternative is really not a fine and leaving people on the street.

Let me say this. Once a person has a conviction, it is a conviction. There is somewhat more stigma if he goes to prison for a day but if you are convicted in this country then I think the damage is already done. In fact, if you are charged in this country whether you are convicted or not, it seems that you still have a considerable amount of stigma on you. So I would like to look at the Bill from this point of view. Is it going to provide a practical solution to the most serious problem in this country? I do not really see where it is. I honestly believe that anyone must realise that if we are going to find the solution to people who are involved with drugs, it has to come from some type of rehabilitation. They are not getting it in prison to that extent, they are getting some but it has to come from putting them in an environment where they can be assisted in kicking the habit and getting away from hard drugs, which ultimately will claim their lives and perhaps damage the lives of those around them.

So if the discretion which was being given to the Judge was in



my opinion, a practical solution to the problem such as a rehabilitation centre, if he wanted the discretion to send defendants there instead of putting them in prison, I would happily vote for it. If somebody can show me some other practical solution to drug users where they can be assisted and that the Court can order them to do, then I am happy to support it.

I am not going to support this Bill on that basis. I do not see it as providing the practical solution and I call on the Elected Government, really, because we must remember that the responsibility lies with the Member for Health and to a lesser extent with the Member for Education in relation to schools. I call on them to try to find practical solutions to the problems because they have rejected everything that we have come up with in the line of rehabilitation and if indeed, they really want to help people who are hooked on drugs and not send them to prison, then they should come up with some viable alternatives.

Thank you.

**MADAM SPEAKER:**  
Services.

The Honourable Elected Member for Health and Social

**HON. D. EZZARD MILLER:** Madam Speaker, I wish to support the Bill now on the Floor of this Honourable House. In my opinion, unlike the position taken by the last speaker, the Third Elected Member for George Town, while it could be argued, I guess, in the finite technical detail that giving the Judge a discretion of whether to send someone to jail, to fine him, to send him to a rehabilitation centre, or to order Community Services Orders, is a reduction in sentencing, I do not see it that way.

I fail to understand how Members on the one hand can be calling for this great sympathy and rehabilitation effort for people who consume drugs but on the other hand here is a simple amendment before this Parliament which deals with people who are convicted of consumption or simple possession of drugs which gives the Judge the discretion to send that person to a rehabilitation centre.

Madam Speaker, we keep hearing that the Government is doing nothing about rehabilitating people who are hooked on drugs and that we need a rehabilitation centre. As I said last week, the Government has a rehabilitation centre. Last year we dealt with 21 such referrals from the Court. What we do not have is a residential place for treatment. We are having some success on the out-patient basis with in-patient service being provided for detoxification at the Hospital.

For the Third Elected Member for West Bay to get up here and bemoan the fact that this Bill is going to overwork the Department of Social Services, which in his opinion is so grossly understaffed, he should check the Budget. We have some 17 social workers in that Department. That is about one for every 1,500 people in the Cayman Islands. That has to be one of the highest ratios of social workers to population that exists in the free world.

The information that I have is that a comparative island like Bermuda with twice the population has half the number of social workers. I do not see this Bill putting any great onus on them to assist with the implementation. It is not the intention of the Government to relax any drug sentencing for drugs in the Cayman Islands. What we are simply doing is giving the Judge the discretion because he is the person who has the facts before him on the case which is before him at that time and that is what we hire Judges for, to make judgements. But if we are not going to give them the opportunity to judge then we might just as well not have Judges.

Any Tom, Dick or Harry can give a mandatory sentence prescribed by the Legislature. That is the reason why we hire such eminently qualified Judges and give them some discretion because we are trying to help the people. This amendment does not remove the option from the Judge to send the individual to jail if in his own mind in that situation that is what is merited. He can put them in jail. But the Third Elected Member for George Town would be quite happy to leave that sentence in the Bill and the for the Judge to only send them to jail for one day. That is what they had to do under his 1977 amendment which called for mandatory jail sentences for everybody in drugs. Sending somebody to jail for one day when the maximum penalty is seven or 15 years is a mockery of the system. The Judges have come out publicly and said they are not prepared to do that anymore.

All that the Government is trying to do is to put before the Judges the opportunity to use their discretion so that those people who they feel can be helped by Attendance Orders to a trade school or to the rehabilitation centre are. And unlike the Second Elected Member for Bodden Town's position that the drug counsellor is in some cubbyhole or corner at the Hospital, that just gives you an idea of how much they know about what is going on in this country for drug rehabilitation.

The Drug Rehabilitation Service has extensive offices in the Crighton Building. The reason why we moved it from the Hospital was to encourage confidentiality. But he is still living back in those ages. They get up here and purport to have all this knowledge about what is being done and what is not being done and they do not even know what is going on in this country, but they have all of the solutions.

I support this minor amendment to the Misuse of Drugs Law. I support giving the Judge the discretion to deal with the facts before him. They are the same ones who have been thumping themselves in the chest here for the last week and saying that sending them to jail was not the answer. The level of the penalty which exists in the Bill remains the same. All that it does is to allow the Judge the discretion. He can send them to jail and order community services when they get out or Attendance Orders when they come out, or he can give them a fine and order them to community services.

Madam Speaker, if this amendment is successful in this Parliament, the Judges in this country will have the greatest range of choices for the sentencing of drug offenders, ranging from Community Service and Attendance Orders all the way up to 15 years imprisonment, which exist

anywhere in the free world. This is the same Government that they are getting up and telling the people about and saying that we are not doing anything to help the person who is convicted under the urine test, which they want reviewed.

From where I sit, you either have it or you do not have it. If you have it and you want to review it you must be advocating removing it because the Law is very specific on how it is to be used. They claim that if you catch them on the urine test we must not send them to jail. This Bill will give the Judge the ability to not send those people who happened to be addicts and who are found guilty of consumption under the urine test, to jail but to order them to attend the rehabilitation centre at the Crighton Building on Crewe Road, or to a Community Service Order, or any combinations of those that he sees fit.

I am tired of these people taking political pot-shots all of the time and are really not concerned about the problem. They could not be concerned about the problem they claim they were concerned about last week in their Private Member's Motion because they come back here today opposing an amendment to this Bill which goes towards allowing the Judge to order rehabilitation for offenders, which they claim is so needed. I support the Bill and they need to make up their minds as to what they want to do.

**MADAM SPEAKER:**

If no one else wishes to continue the debate would the Second Official Member. . . . The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, I have listened to the Attorney General who brought this Bill on behalf of Government and he made a very good attempt at feeding the Bill to us as a very harmless instrument brought here by this caring and humanitarian Government for the good of society. Of course, that is his job, to give any Bill they bring here a beautiful dressing. With his knowledge and his training, he has done a good job.

There is more to be desired of this Bill which in my opinion has been spawned in this election year as a nice gimmick for the re-election hopes of the Government. The Attorney General emphasised that this Bill came here because of what the Honourable Chief Justice had to say in January of this year about sending the users of cocaine and ganja to prison. I do not question the sincerity of the Chief Justice in this matter nor do I question the sincerity of the Attorney General in this House. However, with all the facts before us I question whether this Bill can, in fact, or will in fact, be the cure that the Chief Justice was talking about.

When I talk of facts, it is a fact that the Judges in summary jurisdiction for years, at least since 1985 or afterwards, have been questioning the sense of imprisonment for the users. If this Government was the caring concerned Government that they would have the public today believe, why did they not heed the questioning of the Judges in the Summary Court? Lawyers have been questioning the same thing from the Bench. I have, for years in this House, stood in the same spot and bemoaned the matter of sending those persons hooked on drugs, the users, the repeaters, to prison. "Why not rehabilitation centres?" I have asked.

Members of the community have been asking via letters to the press the same question, for years. The same question has been asked of Elected Members of this House, not only myself, but many others, but always the answer from the Government has been the same. Using dope is a crime, if they are caught, they must pay. No one can be forced into any kind of rehabilitation or counselling or community work, the Government has said. They have said the people, the users, the repeat users, they are the ones that need to make up their mind to do something. We cannot force them into anything. The courts cannot force them into anything. Madam Speaker, that has been the attitude of Government whenever they were pressed on the matter of the user, the repeater, going to prison all these many years.

Madam Speaker, they come now telling us that by some means or the other, there was some accident why the Bill was not put in, in 1985. Who do these people they believe they are fooling? Here you have an Attorney General, Madam Speaker, who was leading Crown Counsel in this country for many years, who attended court quite often and had to know what was in the Bill and then he moved on to be Attorney General all these many years and had to know what was in the Bill. He had to hear the judges, he had to hear the House, he has looked across here, he has heard me talking about it and in fact, I have seen him shaking his head in agreement many times from what I have said.

Then in the Budget debate on the 2nd of December 1991, the Member for Education had this to say. Talking about discretion and the introduction of the Community Service Order and giving of discretion back to the courts, he said: "I can tell you we are going to go further because sending people to jail for repeat trips is not necessarily the answer." I asked was it mere coincidence that the Member for Education said that in the Budget debate? The Chief Justice then mentioned it in his speech in January, but nothing has been said and something as important as the speech from the Throne, if this is such a big thing for them, and this is such an important matter, I mean according to the Honourable Attorney General this is one of the cornerstones of our justice system he claims, that giving that discretion back to the court. Yet, you had the Chief Justice say that, you had the Member for Education say it the month before him, then you had the Throne Speech and nothing said about it, and then the Attorney General just suddenly decides to bring the Bill in the very next few days.

The Second Member for Bodden Town quite rightly pointed out that it was such a rush job that it was put here on our White Paper, it could not even be introduced as a Green Bill until this late hour. Mind you, Madam Speaker, I was struck when I saw the Bill immediately after the Chief Justice had spoken, but more immediately after my motion for rehabilitation had been tabled in this House and made known in the headlines of the press. We did not hear anything about it until then. But they had to get a way of bucking my motion. They had to find a way to do something because it would have looked too bad on the Government. And of course, as was said, some Members were thinking about it at the late hour.

Some of them know how to play politics, well because they have been here the longest. If anything could be said about hypocrisy, it is the manner in which this matter has been handled. For to deny, Madam Speaker, so long the request for changes in the Law by the courts and by Members and by community members and to then bring an amendment which really does nothing except to give some discretion to the judge, on the eve of a General Election is nothing I say to the Honourable Attorney General but hypocrisy on the part of Government. Except for some discretion, the Bill is not able or will not empower the judges to sentence anyone to any kind of community service unless the person agrees. The judge already had that power in the Law. The Member for Communication and Works somehow thinks that community service is the greatest form of rehabilitation.

For the sentencing for attendance to a place of training, for what use is this in this Island devoid of any training school? We had one established by the late Jim Bodden but that was dismantled. Sentencing to a training centre is one thing, the Government can easily use the excuse that the training centre is the Community College and I guess this is the excuse you will hear. When the thought was introduced of a training centre to send the addict or the repeater, or this person hooked on drugs, in the Drug Law, may I ask if it was envisaged that the Community College would be the place? Maybe the Honourable Attorney General could answer that?

Having this said, that you cannot force anyone into any kind of rehabilitation, let us see. For a Government that fought the motion just referred to by the Member for Health for rehabilitation so bitterly for three Thursdays and a Monday while not having the wherewithal for a proper place of rehabilitation locally and while the statistics declare that the convictions have gone up by 65 per cent, 675 cases in 1991, can we say that this is a concerned Government?

In his introduction, Madam Speaker, the Attorney General said that the Bill offers no consolation to the trafficker. In spite of his confidence that the trafficker will not benefit from the two ounces, the Bill allows a person to have, this is one of the areas that gives me the greatest concern. I believe on the whole that this Bill makes dope more readily accessible to the young people in this country. But as far as the trafficker, the Attorney General says that the court will have the discretion to formulate their own opinion as to who is user or who is trafficker. If caught with two ounces of cocaine the onus is on the accused to prove that it was for his or her own use. In other words, an accused would have to satisfy the court that it was reasonable for him to have that amount of the drug for his own use. This is where I think the danger lies in the Bill. Can the Attorney General say by what means the judge would be able to determine who had two ounces for trafficking or for using?

If a young person is caught with two ounces of cocaine, who is to know that he is using or selling? As the Attorney General said, possession is quite different from consuming. Consumption charges has been possible in this country because of the urine test and they have lauded the conviction rate under the urine test which they claim is fool proof. If the Bill dealt with two grams, it would not be so bad. I would probably agree with it. I cannot repeat enough that two ounces of dope, ganja or cocaine, is a lot.

I want to show the House something. This here is two ounces of baking pure powder. It is the same weight as cocaine, Madam Speaker. When a person mixes that, they get a lot more out of it than what you see here. This is two ounces of pure tobacco, Camel cigarettes. When ganja is mixed you get a lot more than that. That is over 60 cigarettes. That is the hypocrisy in the Bill. The Attorney General is a lawyer - Government's lawyer. He is not McKeever's lawyer, so in this case McKeever loses. The Government wins but the people suffer. If this Bill was endeavouring to enable the criminal justice system to prevent the trafficker, the manufacturer and those who profit out of human weaknesses from operating, it would have credibility. In my opinion, the effect of this Bill is to put in jeopardy our young people. It does not do anything for records, it is not aimed at controlling the man trafficking nor possession, nor will it.

It suggests no motivation, no spirit to tell young people do not use drugs. What it says to them, if you come to court with that amount of ganja, that amount of cocaine, you are not going to go to prison; we are going to give you discretion. Let the judge decide, you know he is all-powerful, the same judge that has been crying for a chance to send them to rehabilitation that has been written in the editorials of papers in this country and other news articles by court reporters. Madam Speaker, the path this Bill is not facing up to our responsibilities because we do not go to the heart of the problem. Giving discretion to the judge to do what? What will it stop? Will it stop the trafficker? The pusher from obtaining drugs and reselling them? This Bill does not contribute anything in the area of prevention and this is where the Government's effort should be directed first of all.

Madam Speaker, who says that a user, knowing full well he cannot keep up his habit, realising now that he can have two ounces and nothing may happen to him except he pays a fine? Who is to say that the user is not going to become a trafficker with this amount? Do you know that? Anything, Madam Speaker, that gives to our young people the erroneous impression that they can use this amount of drugs and it would not be as severe in court certainly contributes nothing to efforts by organisations such as CASA to prevent the distribution of drugs, to prevent the destruction of people and to try in this late stage to gain votes by the use of this Bill, is the worst kind of politicking. Anything that seeks to give our young people the impression that these amounts are now or will be treated as less serious than in the past, constitutes a disservice to the vast majority of our young people. It is unwise, and this opinion is shared by all those parents who have gone through the agony of seeing their young people's lives marred or destroyed as a result of something held to be a harmless thing as the Member for Health puts it, a harmless amendment, a simple amendment.

In my opinion this Bill can have a psychological impact on the young people because of the legal provisions which the Attorney General says, are really insignificant. I am not going to support the Bill. I have listened to the Attorney General and I thought he would have offered a more creditable solution to our problem. Certainly the other two Members who got up and spoke on behalf of

Government said nothing. This Bill is not the answer. The Chief Justice could not have been suggesting that we make two ounces more available to young people, nor did he suggest to just give the judges discretion and leave it at that.

Keeping in mind what was said before, the Bill is not the solution and will never be. The Government needs to get serious about rehabilitation, shed their political cloak and put on the cloak of responsibility. The Attorney General is a devout conservationist and it leaves me to wonder why go to immeasurable lengths to save a bird, to save a fish, to save a tree but cannot see the human suffering caused by their actions? Of course, the Attorney General does not live in the district where the problem is intensified; he does not have to look in the caskets at dead bodies which drugs have destroyed; he did not have to read or write the obituaries; nor does he have the complaints from the parents and grandparents and other family members of lived ones whose lives are being ruined by drugs, less than that amount.

I call on him to exercise his conscience and tell the House the truth about this Bill and take a stand which he knows to be right and we will stand with him but this madness must stop some place. Withdraw the Bill and save this country some grief. Madam Speaker, we heard the Member for Communications and Works, my good friend, talk about playing politics. Let me advise the Member for Communication and Works that not every time a cream pan knocks in this country or a hymn book is open, that this Backbench has to be there. I am never one for heeding all invitations that come my way for it. It is not impossible that somebody like myself, who lives in a district where so many people call upon your services and you are devoid of any assistance secretarial or support by staff in any way, shape or form, can attend to all your people's needs and then go to all the vagaries in this country. I have never been one every time a champagne glass knocked I have to be there.

And as for buying a ticket for the Canaan Land dinner, this Member did not buy a ticket, I simply told the person I could not be there because I had two previous commitments, I had to perform two wedding ceremonies planned for months. I cannot be everywhere, Madam Speaker, and that bears no relation, my attendance or non-attendance bears no relation to my sincerity in the motion that I introduced to this House last month.

My motion called for a local rehabilitation centre. I stated in the motion that I would support or subsidise if we became the Member responsible for drugs, we would support Canaan Land. May I ask the Honourable Member for Communication and Works what has his Government done about Canaan Land besides going to the great function and sitting up there smiling? What have they done to assist Canaan Land rehabilitation institution? That Member should really stop and think before he gets up and uses those kinds of illustrations.

The Member for Health said that the judges in this country have the greatest range of options for sentencing in the free world. Well, his description of the free world must be very close circled because there are other territories who have those options. Where else did he think the idea came up from? Our training centre and the community service orders you think that was the idea or the brain-child of some great sociologist in the Government in this country? No, Madam Speaker. That came from other territories. The difference is those other territories have specific training centres for addicts. That is the difference. Where is ours, I ask him? Madam Speaker, it is one thing to get up with a big flare and talk about what we have as against what other territories have. If this country was as advanced in those sort of areas as some of the less well-off countries in the Caribbean, we might be able to say we are doing something.

I contend that the Bill does nothing to help the drug problem in this country other than to make it more available. What we are saying is that this Bill will buy its very nature increase the sale of cocaine and ganja because if a seller can know that he has a chance to sell two ounces and, as I understand it, two ounces is around \$10,000 street value. Then he is going to take the chance and even if he is caught and convicted the crux of the issue is that some poor mother's child would have already bought the stuff. That is why I am against it. I do not believe that The Chief Justice, in his speech on the opening of the Grand Court, meant that we should just use our discretion for a fine and leave it there.

Madam Speaker, my conscience is very clear, my motion was very specific. My motion was for a proper rehabilitation centre in this country so that when the court sentences someone to a rehabilitation centre they are going to a drug rehabilitation centre. When they sentence you to a community service order, you first have to agree - they cannot just give it to you. The training centre is in the air because I do not know of any except for the Community College. Whether you send addicts there amongst that sort of environment - first of all, I do not know whether that is what they are contemplating. Let them say that to the country. As for me and my vote, I am against what they are attempting and my conscience is very clear.

I thank you, Madam Speaker.

**MADAM SPEAKER:**

The House will be suspended until 2:15 p.m.

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

**HOUSE RESUMED AT 2:23 P.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on the Second Reading of the Misuse of Drugs (Penalties) Bill, 1992. Honourable Member for Education.

**HON. BENSON O. EBANKS:**

Madam Speaker, I support the amending Bill now under debate. I would like to begin my contribution by commending and thanking the Honourable Second Official Member for doing such a comprehensive job in presenting this Bill. And because he has done such a good job, I do not intend

to repeat what he said.

Madam Speaker, I have only one amendment to offer to what the Second Official Member said and that is that my recollection is that this issue was first brought to the attention of the public, in fact by an Appeals Court judge, prior to the Chief Justice making his pronouncement in January. I recall that last year when dealing with an Appeal on the length of sentence imposed on someone the Appeal's Court judge asked that very question. It has to be questioned whether imprisonment is serving the purpose that it is intended to serve.

I have to admit that that pronouncement by the Appeal's Court judge took me somewhat by surprise because I was of the opinion that in 1985, when we removed the minimum sentences in the Abuse of Drugs Law that we had in fact removed the requirement for imprisonment. It was an over-sight that the section which said, "notwithstanding the section that goes ahead, that all offences in respect of hard drugs must include an element of imprisonment.". So I can confirm as one of those who took part and supported the amendment in 1985, that we did in fact believe that we were changing the Law at that point to remove the mandatory jail sentence requirement.

The First Elected Member for West Bay said this morning that I had in December, last year, made the statement that it was Government's intention to bring an amendment similar to this. I make no apologies for that because as I have said, I was of the impression that we had done the job in 1985 and when it was brought to my attention that we had not completed the job, I was prepared to do what was necessary to finish the job which we had began then. It is significant that that Member has referred to this simple amendment as hypocrisy saying that it was brought after his motion, which was debated here a few days ago, appeared on the Order Paper and was given publicity in the paper. But one has to ask the question whether the hypocrisy was not in bringing that motion when Government had, in fact, given notice that the amendment which we have before us today would be brought?

Whatever else can be said about this Government, we say what we mean, and we mean what we say. I have no apologies to make for this amendment here today. I believe that we hire the best judges that we can get and I believe that it is wrong for the Legislature to try to frame legislation so firmly that we take the discretion from the judges. The learned Second Official Member elaborated on that in his deliberations pointing out that each case is different, and that is what judges are trained to do, to make decisions based on the facts and the circumstances of the case as they read them, as they are presented to them.

I am not totally surprised at the attitude of those Members of the Backbench who spoke on this Bill. It is a known fact that from 1976 to 1984, those Members who then comprised that Government's Executive Council, the Elected membership of it, resorted to what I consider inhumane treatment in that every offence was punishable by imprisonment. Even first offences in the 1977 amendment.

Now the Third Member for George Town has said that although drug abuse was not prevalent when he was in Government, he had made plans to deal with it and Madam Speaker, if we examine those actions they were not just plans, they were actions. Lets see what the remedy was. In 1977 the Law was everybody must go to jail irrespective of whether it was consumption or whatever and for any amount. Then as the abuse heated up, what do we find in 1983? They increased the prison sentences. Their answer was to send young Caymanians to jail to rot and now they come here and pontificate about their care for drug addicts. Madam Speaker, the attendance order as it was presented by the Backbench, they would have us believe that the attendance is only at a training centre but that is not what it says. Section 23 (1) of the Misuse of Drugs Law (Second Revision) says:

"23.(1) An attendance order made under section 13(6) shall require the person convicted to attend during such period not exceeding twelve months as may be specified in the order at a training centre or such other place as may be specified in the said order."

And, when the counselling centre was instituted it was specifically to fill that gap in our services to drug offenders. The counselling centre was approved by the Governor as is required by the Law, as a place to which people could be ordered to attend. So when Members are saying that there is no help for drug abusers, they are not telling the truth.

It is my understanding that this rehabilitation centre that they are talking about is nothing more than a residential drugs counselling programme. If there is a clinical aspect to the treatment, I understand it is for a very short period and that aspect of treatment here is performed at the Hospital. People who desire and are willing to accept the treatment it is thought would benefit more from a residential spell or treatment or sent to institutions overseas.

I want to make it clear that this amendment does not in any way suggest or imply that Government is going soft on the punishment for drug offences. What this amendment does is to give the courts discretion where in their wisdom it is thought that imprisonment is not the appropriate punishment to allow them to be able to impose the alternative of a fine or a community service order and/or an attendance order.

Now, that is not so much different from what was suggested or proposed in the motion brought a few days ago except that they wanted to make it mandatory again that the only alternative sentence was to order the person to go to attend a rehabilitation centre. And it should be noted that in the Law these community service orders or attendance orders are imposed only if the convicted person agrees to take this sentence as an alternative. And that is for good reason, Madam Speaker, because it is a medically accepted fact that until a person is prepared and willing to accept treatment, then it is futile to attempt it. I am disappointed that Members of the Backbench have not seen fit to support this amendment because if they honestly were concerned about helping the youth this is a step in the right direction.

The Third Member for West Bay said that he would never do anything to appear to make it appear that he was going soft on the punishment for drug abuse. Madam Speaker, I wonder who that Member is trying to fool? It is well established that the removal of the urine test from the statutes was a part of his 1988 manifesto and the truth of the matter is, that last week when the Private Member's Motion regarding the examination of the efficacy of the urine test provision was being considered, the people in West Bay were being told that the purpose of that motion was to remove the urine test from the Statute books.

But, Madam Speaker, those people speak with forked tongues and they have not got the conviction or to come in and say what they really mean. This, as I said, is a simple straightforward amendment. It does not mean, as has been suggested, that the judge will automatically look to the imposition of a fine or the ordering of a community service order or an attendance order. Surely Members of this House and of the listening public are aware of the many times that the courts have been faced with a decision or with a request from a convicted person, people who admit their guilt and asking for an opportunity to attend the counselling centre and the judge had to look at them and say, "Sorry but the Law does not permit me to grant your request." This, Madam Speaker, has to be right what we are doing, as I said it was what was intended to be done from 1985 and my only regret is that it was not brought to my attention earlier.

I make no apologies for bringing it and I want to make one thing clear, and that is that my support for this Bill has nothing to do with my hopes of re-election in November. My stance on this issue is very well known and I have always attempted to give the judges an opportunity to use discretion and I have always attempted, wherever possible, to give a guilty person an opportunity at rehabilitation.

With those few words I want to implore the Members of the Backbench most of whom are outside the Chamber now, but I know are listening to me, to vote in the affirmative when this motion is put. Thank you very much, Madam Speaker.

**MADAM SPEAKER:**  
Member for Cayman Brac.

If no-one else wishes to continue the debate, the First Elected

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. I rise to give my support to a Bill to amend the Misuse of Drugs, Second Revision. I would like firstly to congratulate the Second Official Member for the very able way in which he presented this Bill. I think anyone who listened carefully to his presentation should accept this Bill without doubt. I have in my hand a transcript of his presentation and it is certainly very clear to me.

I have always had great concern for those individuals who are addicted to drugs. I realise that it is an addiction and I think the majority of them would like to be free from it, if it was easily done but it is a very difficult situation once you have become addicted to ever become rehabilitated.

Much debate has taken place in this Honourable Chamber within the recent months concerning this, so there is no need for me to re-hash all that has been said. I have listened carefully to all the debate on this motion and it is not a matter of us today being able to send our convicted offenders to a rehabilitation institution within the Cayman Islands. It does not exist as they are prescribing it, therefore, I think the Government is to be commended that they are bringing a motion that will at least be a step in the right direction.

I have always held that this Government makes every effort to employ magistrates and High Court judges of the highest calibre and therefore by so doing we should not restrict their discretion to much in Law. I think their ability is without question, therefore, they should be able to make a judgement from the Bench on what is presented to them and not necessarily have to send someone to prison when a community service order or an attendance order will be able to suffice he needs. I have never felt that simply a stay at Northward was a solution to any problem other than reminding them that they have gone against the Laws of the Cayman Islands and they must pay the consequences.

We as Legislators in this Honourable House have a responsibility to all the people. I do not feel that we should come here to electioneer on the Election which most of us will face in November of this year. I said it before and I say it again, I shall never use this Chamber for that purpose. I shall address the motion or the Bill, as it is in this case, on what is before me, not the political ramifications.

Much has been said about the quantity, and I too have a concern for the two ounces, but I realise that the two ounces was written into the Law long ago, and that is a division point. Therefore, I see the reason why we are saying under two ounces and over two ounces. I do not think that amount has any other significance other than it follows with the Law.

Madam Speaker, the case of second offenders, it has been clearly said that the amount of the fine or the time of imprisonment has not been touched. If the learned judge feels it is necessary he can enforce the same amount of penalty that he could prior to this Bill being amended. It is only if he feels it is not necessary. In the case of the second offence it says to a fine not exceeding \$20,000 or to a term of imprisonment not exceeding 15 years or to both such fine and imprisonment. So therefore, there is absolutely no limitation to what, any less than what the fines were before.

In conclusion I would like to refer to the closing paragraph in the Second Official Members which I think he said it so well. His closing paragraph was: "I submit to the House that it should be for the judges to decide which those cases are that we should not try to second guess them so that in those cases where it is appropriate that an individual has fallen into drugs, where no blame attaches to him, and where there is a possibility of rehabilitation or reform, that he should not be sent to Northward, should not be put in a position where his life may be destroyed by a period of imprisonment, where his job may be lost by a period of imprisonment, and where he may be forced into circumstances where he associates with those much more hardened to crime and drug use than he is."

Madam Speaker, I concur that these are wise words and these are the concerns which I have, why I have no problem in supporting this Bill.

**MADAM SPEAKER:**  
at this time?

Would the Honourable mover wish to exercise his right of reply

**HON. RICHARD W. GROUND:**

Thank you, indeed I would. First of all let me say that I am grateful to those Members who spoke in favour of the Bill, and particularly to the last Member who spoke. Let me then say that to those who spoke against the Bill, I have a few words to say and I hope they will not hold it against me but I do say, it is nice I may say, Madam Speaker, having a right of reply. Several times I have spoken during this session in response to a motion and one hears what one has said being misinterpreted, and misrepresented, or ignored. It is so good to have the opportunity to come back and set the record straight.

Let me begin with the Member who spoke first after me, the Second Elected Member for Bodden Town. That Member, as several other Members who spoke, has a very effective debating technique, and one upon which I congratulate him. He attributes to me intentions that I do not have, and then he debunks them powerfully and effectively. But he does not alter the fact that it goes absolutely by the Bill and the purposes of the Bill. He said in opening he attributed to me and to the Bill the purpose, that the main reason was to do something about what the Chief Justice refers to, that is the over-crowding of the prison and then he proceeded to beat up on Government for overcrowding at the prison.

It is not my purpose to do anything about over-crowding at the prison. My purpose is to introduce into the criminal law sufficient flexibility to allow it to take cognizance with individual circumstances, to humanise it to that extent. I said, and I had hoped I had said it clearly, in my presentation that I did not think in fact that this would have very much effect on the statistics. I do not think it will, I do not think there will be many cases where the judges have to rely upon this amendment. Certainly, I do not see it as a wide-reaching measure that will pull out from Northward a great number of prisoners.

One reason for that is that there are not a great number of prisoners in Northward at the moment for drug consumption or simple possession for cocaine or ganja. We heard much about this in the last debate upon Rehabilitation and I went away and got the statistics for the convicted prisoners at Northward on the 1st of January, 1992. Madam Speaker, they made telling reading.

There were on the 1st of January, 1992, 151 convicted prisoners in Northward of whom 94 were Caymanian. It is true that of those 78 were in for drug offences and between them those 78 offenders had committed 91 offences. But I then went through, because the statistics tell me what each was convicted for, to see how consumption and simple possession fared and I find that for consumption of cocaine there are five people in Northward, or were as of the 1st of January, 1992, and one of those was a US citizen and the other four were Caymanian.

For the consumption of ganja, there were five people in Northward. For the simple possession of cocaine, I use simple as a portmanteau term to exclude the trafficking offences. Simple possession of cocaine there were two people and for the possession of ganja there were five. That is a total of 17 convictions for consumption and simple possession cases the sort to whom this amendment might relate. I have not had the time to analyze the extent to which they may over-lap amongst each other but in nine of those 17 cases there were other offences apart from consumption and possession that would go to some way to explaining their presence in Northward.

I asked myself how can this be? The answer in part is that the courts have been doing their best to avoid custodial sentences in cases where they could only damage the person, the victim, who comes before them. I also think that part of the answer may lie in policing policies be cause page 18 of the Police Report, which has been so selectively read and quoted from, page 18 of that Report at paragraph 10 tells us this:

"10. The Drug Squad has continued to concentrate its efforts on local dealers and traffickers of which 119 were arrested during the year compared with 40 in 1990. The arrests resulted in the seizure of 63 ounces of cocaine and over 700 pounds of ganja."

That shows us the police force implementing a tough policy of cracking down on dealers, which I gather from the debate that we have had, is what everybody thinks is right and what they should do. And because I do not just have to rely upon what the police say in their Report, I can go back to the statistics and I see that of the 78 offenders in Northward for drug offences, 40 are in there for possession with intent to supply cocaine and another 14 are in there with possession of intent to supply ganja. Trafficking offences, Madam Speaker, and that if evidence was needed, that is the evidence that neither Government nor the administration are going soft on drugs or sitting back and taking it easy where drugs are concerned.

To return to the points made by the Second Elected Member for Bodden Town. Madam Speaker, he criticises Government for going to town on one point in the Chief Justice's address and ignoring all other aspects and he refers to two other aspects as being ignored. The first is the extension of the courts and he criticised Government because the managers of the SafeHaven Development had made an offer to Government that a court extension could be built there. Well we have now heard from the Member for Communication and Works and we know that that offer is not being accepted and I hope that that is the end of it.

The other criticism that that Member advanced was the age of criminal responsibility. Favourite topic of his and he criticised Government for not doing something about changing it, as indeed, the Chief Justice himself had done. Madam Speaker, the Member went much further than the truth of

the situation and the facts justify. I have noted him as saying that this Government actually changed the law in 1990 and made, his words, made criminals of eight year old children.

I understand that to mean that he thinks that this Government introduced the eight year limit, the eight year age of responsibility. Nothing could be further than the truth. The eight years has always been in the Caymanian Law. It was in there in the Juveniles Law, 1975 and in the Penal Code that was passed in the same year. I have got from the library a copy of the Juveniles Law, 1975, section 3 of that Age of Criminal responsibility. "3. It shall be conclusively presumed that no child under the age of eight years can be guilty of any criminal offence." That is the same way it is expressed in the current Law. We have had so much debate on this that I am, with your permission, going to lay that Law which comes from the Library of the House on the Table and then all Members can look at it.

If I was a politician I would point out to the Member that the Law was eight years during the period that he was a Member of Executive Council. I would point out to the Member that an amendment was brought to the Juveniles Law while he was a Member of Executive Council in 1981, and it did not change or address the age of criminal responsibility. The amendment that was brought in 1981, Madam Speaker, was an amendment of quite stunning magnitude that I am going to read if only to introduce a touch of levity into these proceedings. It simply had two sections. The first section said this Law may be cited as the Juveniles Amendment Law, 1981. Section 2 said, section 22 of the Juveniles Law, 1975 is amended by substituting "any" for the "same" in the third line of subsection 1. Creative law making, Madam Speaker.

That same Member said that he knew I was in trouble in presenting the Bill from the length of my introduction. Well, I appreciate that he made that point and I know I did go on a bit, but there was a reason in my taking such care in presenting it and it was so that I should not be misunderstood or the effect of the Bill misrepresented. Alas, Madam Speaker, that care was in vain because the effect of the Bill has been consistently misrepresented, whether by mistake or intent I do not know and do not presume to say, but it has been misrepresented by all those who spoke in opposition to it. I will come back to that, Madam Speaker, when I come to some of those Members' own particular contribution.

There is something that the Member from Bodden Town said, to which I have to confess. He points out that it was not that this Bill was not mentioned in the Throne Speech, and he says because it was not conceived in the Throne Speech as written. He is right. It was not when I penned the contribution that went to the Governor for the Throne Speech that was presented here last month. It never dawned on me, Madam Speaker, to bring this Bill until the Chief Justice made his comments at the beginning of January. I then had to have the draftsman draft it, it then had to go to Council for its approval. I did not know I was bringing it when I prepared my introduction to the Throne Speech. That may be as he says crisis management. It is certainly not on my part, electioneering. What I prefer to see it as is myself, and Government being fluid and responsive to a criticism or comment at least, which was perceived as valid. The Chief Justice had pointed out something that had in fact passed me by.

Whatever my experience may be, I did not have in the forefront of my mind the fact that the courts had to send first time offenders for small amounts of cocaine and for consumption of cocaine to prison. When it became apparent I took steps to do something about it. Of course if I had not taken any steps to do something about it, Government would have been condemned for inaction. By taking steps to do something about it, Government is as condemned for crisis management. Well, Madam Speaker, I do not know, Members and the Electorate can make up their own mind whether this is crisis management or a proper responsiveness to responsible criticism.

That Member, there may have been one other, also pointed out something else of which I am guilty. I confess did not consult with the Legal Associations on this. I did not circulate the Bill for circulation and the reason I did not is that it never crossed my mind that it would meet the opposition that it has met in this House. Certainly, both Legal Associations in the past have expressed their opposition to mandatory penalties and their feeling that one should rely in sentencing on the discretion of the courts and in particular, the Appellate Courts. I simply, (and if I am wrong for this, I must be taken to task), I simply did not send it to them because I thought that it would fall in with their wishes.

I may say that I thought it would also fall in with the wishes of those Members speaking in opposition to this Bill because I have sat in this House, certainly for the last four years, and heard repeated concern being expressed about first time drug offenders being sent to prison, about addicted drug offenders who could not help themselves being sent to prison, and I agreed with them to some extent and have taken these very limited steps to meet it.

Let me give you an example, Madam Speaker. We had a motion back in July for a review of the Legal System and in moving it the Second Elected Member for Cayman Brac and Little Cayman, said something about first offenders. I hope he will not mind my reading from his speech at that occasion. I know that he did not speak on this Bill and I do not know whether he opposes it or supports it but I read what he had to say because I think it was right, that it had some merit in it and that it is something that all those who then voted for that motion were, I assumed, in support of. Turns out I may have assumed wrongly.

The Member said: "I am further made to understand that in the United Kingdom a person who is under 21 years of age and is a first offender is usually not sentenced to prison unless there is no other way of dealing with them. Of course, I am not talking about the crime of murder and other such hideous and repulsive offences. This particular area, I believe needs to be looked at because I have heard many complaints from persons affected by it. I have also heard remarks and complaints by legal practitioners regarding this particular area of the legal system in this country. "As for sentencing I believe that by the year 2000 every young person of now 15 years of age will have been in prison because it seems to me for the slightest offence the teenager can be put in Northward where he has a prison record, be it say, smoking a ganja cigarette or whatever the case may be. Putting a young person in prison does not seem to bring about a lot of hesitation in this



country at all."

Of course, Madam Speaker, if you ask the judges why are you putting these people who are convicted of consumption of cocaine in prison after the urine test, the answer they would give you back is because the Law requires us to. I have to say that that answer was not one that ever occurred to me until I heard that it was an answer that the judge had given on a particular occasion and then went away and looked it up and found lo and behold that in subsection (4), section 13 there was that tucked away, that quiet little mandatory requirement for prison. Madam Speaker, I am still I am afraid of the Second Elected Member for Borden Town and I hope he will forgive me for paying so much attention to his speech but he said a lot.

One more example of him attributing to me things that I did not say and would not like to have been heard to say, he said that if he was as easily brain-washed, or easily convinced, which he is not, he had swallowed my story about two ounces being a small quantity. I never said, Madam Speaker, that two ounces was a small quantity. In fact, I said it was quite a large quantity. I pointed out that it was 56 grams. I know it is quite a large quantity. What I said to Members is not that it is not a small quantity but that in the case of somebody who possesses two ounces, that the courts will still send them to prison and if they possess two ounces on a second offence with no mitigation, they will go to prison for seven years bang, just like that. That is what I said, Madam Speaker.

What I have said is that for people who in fact possess a small amount, a gram or so, maybe less than that, this Law gives the court the ability to not send them to prison. What I also said, Madam Speaker, is those that possess large quantities, like two ounces, the courts may well find them guilty of possessing with intent to supply. I will come back to that in just a minute.

The Third Elected Member for West Bay came next and he too attributed to the Bill things that it will not do. He was talking about just this question of how much two ounces is. He said that all a pusher will have to do is to ensure that they have less than two ounces in their possession as the Magistrates will now be looking on imposing a fine for amounts of up to less than two ounces. They will not be, Madam Speaker. It is a misrepresentation of what the Bill does to suggest that two ounces will draw a fine, a total and improper misrepresentation. I say improper, Madam Speaker, because I do not now how the Member can say it having sat there and listened to my albeit tedious presentation. I reiterate that it is not true, I reiterate that somebody who has two ounces in their possession is risking seven years in imprisonment.

I also go on to point out that if they have got less than two ounces but that the circumstances suggest that they have got it with an intent to supply, then they are risking 15 years imprisonment. Let me now digress again, on possession with intent to supply. Possession with intent to supply is in the Schedule Part B, of the Second Schedule to the Misuse of Drugs Law. It is not in the text of the Revised Law because the offence was introduced after that but it is being added by amendment.

Possession with intent to supply is one of the trafficking offences and they are split up just like the simple possession offences into two batches - those concerning less than two ounces and those concerning two ounces or more. First lesson to learn from that or the first morale to draw from that is that it is quite possible to have less than two ounces and still have an intent to supply, it is quite possible or the courts to recognise that and the Legislature has spelt out a separate penalty for that. As I said, 15 years for a first offence, 20 years for a second or subsequent offence. That is for amounts of less than two ounces.

Now, how do the courts decide whether someone has an intent to supply. Well, as I said before they do it from the circumstances of the case. I cannot list those in abstract. It is foolish to try and list points like that in abstract. What the courts do is that they look at the circumstances of the case in front of them and it is that way of approaching cases that gives justice under our system. It is individual and it is human faced. The one thing I can say is that it is plain that the courts do have no difficulty in finding people in possession of less than two ounces of cocaine, in finding them guilty of possession with intent to supply. I can tell that by a simple piece of arithmetic.

I go back to the Police Report, page 18 that paragraph 10 which tells us that the Drug Squad has concentrated its effort on local dealers and tells us that it has arrested 119 traffickers in 1990. Because that paragraph tells us that they seize 63 ounces of cocaine and if one looks a little further on at the statistics where they are broken down, on page 42, you will see that in that same year possession with intent to supply, that there were 76 cases. You can perform a very simple division and see that just averaging it out, those possession with intent to supply cases averaged at less than an ounce per case. It is an average, a real rough guide, Madam Speaker, I do not put too much weight on it and there are going to be more. There are going to be cases where the amount is more, there are going to be cases where the amount is substantially less.

The moral is that the courts have no difficulty in determining when somebody is possessing with intent to supply. They have no difficulty in doing it in cases where the amount involved is less than two ounces. Once they have done it, once they have determined that a person is possessing with intent to supply, they have no difficulty in handing down a severe sentence. I was going to get out the Appellate's statistics to show what sort sentences they do hand down but I do not think I will take the time of the House to do that.

Coming back to the Third Elected Member for West Bay, he persisted in the attitude that this Bill amounts to a softening of the attitude towards drug users and drug traffickers. He compared us to Amsterdam. A totally inappropriate comparison, Madam Speaker. In Amsterdam drugs, as far as I know, were legalised. Nobody is talking about doing that here. Madam Speaker, that Member went on to say we should tighten the screws on trafficking and on traffickers, not be relaxing the rules. I agree we should be tightening the screws on trafficking and traffickers, we are doing that, I go back to that paragraph in the Police Report - 119 arrested during the year that the Report deals with. I go back to the prison statistics for the 1st of January, 1992, 40 people in prison with possession with intention to supply. 40 people out of a prison population of 151. If that is not tightening the screws, Madam Speaker, I do not know what is.

That Member finally said that the amendment does nothing to address the problem of treatment. Well, Madam Speaker, he is right and I did not intend it to. The amendment does have its shortcomings, I know. There are many things that it does not do. It does not solve the drug problem, it is not intended to solve the drug problem. To solve the drug problem needs a whole variety of approaches right across the Board from education, through enforcement, through to rehabilitation.

This Bill does not really address any of those issues, it is but a small step. It removes one small anomaly in the Drugs Law, it does so in response to a fairly muted and small comment from the Chief Justice. It is quite unhelpful to berate it for the things that it does not do. It does not solve, Madam Speaker, the economic situation, it was not intended to solve the economic situation.

The Third Elected Member for George Town spoke briefly and in fact, I disagree with little of what he says. But he did say it does not answer to let offenders feel that the Legislature is going to ease penalties on them. I come back and I reiterate only because so many Members of the opposition iterated against this but I reiterate, that this is not an easing of penalties on offenders generally and anything that he said that gives that impression has to be, I am afraid corrected quickly.

Because if it is allowed to lie and if it is allowed to be in the air that this Bill is a going soft on offenders, then the offenders will go out there and they will believe it, then they will commit offences. But it is not and they will get a nasty shock when if having relied upon the opposition's statements they go out and buy their two ounces of cocaine and sit around taking it. They will get a nasty shock when they go to prison for seven years and they will be entitled to say to their elected Members, why did you tell me or why did you say in the House that this Bill said it would be all right for us to do this? Because, Madam Speaker, the Bill does not do that and it is not all right.

The First Elected Member for West Bay, Madam Speaker, what can I say about the First Elected Member for West Bay? I knew that he would oppose the Bill because he has been telling me so for as long as it has been circulated to Members, which I am happy to say, is more than the 14 days required by the Standing Orders. Madam Speaker, he says that it is spawned as a nice gimmick in this election year. I can only reiterate to him why I brought the Bill, that it was in response to the Chief Justices speech.

Madam Speaker, the Member did deal with that later on by saying that the Chief Justice could not have been suggesting that we make ( I can not read my own hand writing, Madam Speaker) two ounces available to our young people. But of course the Chief Justice was not suggesting that and the Bill does not do it. He, again must have fallen asleep during my admittedly long and tedious first presentation, and as he has just come in to the room now I will tell him, so that he can hear, that it does not make two ounces available either to young people or to any potential offender in this community, and that for all the piles of baking soda sitting on the desk in front of him I can tell him that a first offender for two ounces will go to prison for a serious period, and that a second offender runs the real risk of going to prison for seven years.

However, he is right to say or at least draw attention to what the Chief Justice may have intended by his remarks and I wanted to make sure when I brought this Bill that I did not misrepresent the intention of the Chief Justice. So I took the precaution of sending him a copy and I sent one to the other two Grand Court Judges as well. I said to them "I would very much welcome an indication from yourself and the other Judges to whom I have taken the liberty of copying this memorandum as to whether you consider the Bill an appropriate measure. If there are other aspects of this issue which you would like to see addressed it would help me if you were able to tell me what they were. I would of course also welcome any other comments or observation that you may have."

The Chief Justice was good enough to write back to me on 24th February. He said: "The Judges are of the opinion that the Bill is an appropriate measure. Copies have been sent to the Magistrates for their comments.". I have not got the Magistrates' comments yet. I would like that answer from the Chief Justice just to be laid on the Table because then we can be spared as to speculating what the Chief Justice may have meant by his comments or what he may not have meant. I do not know. I am looking through my notes on that Member. I see that he said to the House that the Bill says that if you come with that much, with two ounces or whatever, the amount that he displayed on the desk in front of him, that you will get a fine. Simply not true. The Bill does not say that.

I can tell him and I can tell his constituents, you will not get a fine, you will go to prison. I can keep saying it until I am blue in the face. They will have to experiment and find out but I assure the members of the public that anybody who comes with an equivalent amount of cocaine to the amount of baking powder that is sitting in front of the Member will find themselves in Northward at Her Majesty's expense for a considerable period. Once they get up to Northward they may find themselves susceptible to parole after having served a third of their sentence.

Madam Speaker, I did not hear when that provision was brought any Member of the Opposition saying, "That was going soft on offenders." And they would have been wrong to have said that. They could not say it because the suggestion for that came, in part, from them. But that is humane. The Bill which was dealt with earlier on in this meeting, is a humane, tolerant provision that everybody supported that would permit in appropriate cases drug offenders to come out of Prison well before they would otherwise have done so. I did not hear anyone saying, "That is going soft on drug offenders." They were quite right not to say it as well but the same considerations apply to this Bill.

Madam Chairman, the First Elected Member for West Bay repeatedly suggested that this was a political motion. At one stage he accused Government of bringing this to, in some way, undercut his own Private Member's Motion. He said that they had to get a way of bucking his motion. Well, his motion relied upon and quoted the Chief Justice. His motion, one of the "Whereases" was: "AND WHEREAS the Honourable Chief Justice has questioned the efficacy of sentences passed on persons for repeat drug consumption offences,".

If Government had not taken any steps in response to that, he would have been justified in his motion of criticising Government of being deaf even to the comments of the Judiciary. But he cannot then turn around when Government responds to the comments of the Judiciary and criticise them for bucking his motion. I wonder, and I look at this Member and I say I wonder whether part of his vehemence in opposition to this Bill is that he does feel in his heart of hearts that it was brought to buck his motion and cannot take that.

Madam Speaker, the same Member in the end, as always when he addresses a controversial subject, in the end came around to the personality of the person moving the measure. He commented on my conservationist leanings. Well, I make no apologies for that. Indeed, I am proud of it. He told me also that because of that I cannot see the human suffering caused by my actions. He told me that I did not have to sit in the districts and see corpses in the caskets. He more or less told me that I would be putting more there by this measure.

Well, it may be that I am out of touch with the districts. It may be that I am out of touch with the politics and the politics of that Member. I am so out of touch that I read his motion, Private Member's Motion No. 1/92, as a motion to bring about the abolition of the urine test.

Madam Speaker, I am so out of touch....

**MR. W. McKEEVA BUSH:**  
way.

Madam Speaker, on a Point of Order, if the Member would give

**HON. RICHARD W. GROUND:**

If it is a Point of Order, I will give way.

**MR. W. McKEEVA BUSH:**

If you would be a gentlemen you would.

**MADAM SPEAKER:**

Please, please.

**MR. W. McKEEVA BUSH:**

Madam Speaker, last Thursday, in dealing with that Motion, the Member raised the same matter. When I raised it in my reply, he got up and acknowledged what my answer to him about the urine test was. The urine test matter in that Motion was very plain - to study it.

**MADAM SPEAKER:**

Honourable Member, that is really not a Point of Order. If you want a Point of Explanation where you do not understand each other, that is acceptable, but it is not a Point of Order.

please?

Honourable Member, would you continue with the winding up,

**HON. RICHARD W. GROUND:**

Thank you, Madam Speaker. Madam Speaker, I am so out of touch, as I was saying, that I thought that that Member had been expressing opposition to the urine test consistently for the last four years and had said, on occasion, that he was opposed to it and would bring about its abolition. I may be wrong because I am out of touch...

**MR. W. McKEEVA BUSH:**

Madam Speaker, on a Point of Order. The Member is now deliberately misleading the House. I have never said that I would bring about the abolition of it. I questioned the efficacy of it. Whether it is a Point of Order or not, I am getting the point across. He always talked about the abuse of it. The Member for Education accepts that there was some abuse, so what are you talking about man?

**MADAM SPEAKER:**

Member, please continue.

Please, let us continue. No more interruptions. Honourable

**HON. RICHARD W. GROUND:**

Thank you, Madam Speaker. There is of course a great value in debate. There is a very great value in debate in formulating where people stand on issues. I may well have been wrong about the Member's attitude towards the urine test and I hear now what he says very clearly.

**MR. W. McKEEVA BUSH:**

*[Inaudible interjection]*

**HON. RICHARD W. GROUND:**

I hear what he says...

**MADAM SPEAKER:**

everything to the Chair.

Please have no discussions across the Floor. Please address

**HON. RICHARD W. GROUND:**

I am glad that this debate has surfaced and that the debate we had on rehabilitation has surfaced this issue and that we have a clear and unequivocal statement from that Member and from other Members, in the House as to where they stand on the important issue of the urine test. As I understand it, all Members who spoke, now tell me that they support the urine test and are not concerned to have its abolition.

The Member calls across the Floor to me and says that if I played politics, I will get burned and I know that when I get out of the Chamber at the end of this debate, I am going to be harangued by the Member, as he always harangues somebody who stands up to him or takes him to task in this Assembly.

Madam Speaker, I come back to the point that I was making that we now know where we stand on the urine test. I appreciate that the Member had concerns that the urine test was being abused. As I said in my opening the safeguard to abuse, if you are not going to abolish it, the safeguard to abuse is to give the Courts the discretion and the ability in cases of a repeat use of a urine test where it is serving no valid enforcement purpose, the answer is to give the Courts the ability not to have to send the person concerned to prison, that this Bill does and one of the things that it is concerned to do.

I go on about the urine test because it is an important weapon in the enforcement armoury of our Police and its use can be most beneficial in ascertaining who in the community is criminally using controlled drugs. I would like and I am glad that Members have come out and said they support it. I would like to see that support reiterated throughout the community so that all responsible people come together on the issue of how do you deal with drugs and that instead of arguing over what is a restricted, indeed tiny measure, to give the Courts a modicum of discretion when dealing with a tightly restricted category of offences, rather than arguing about that as we have done for nearly all of today, and rather than misrepresenting that as going soft on drugs and so on, I would like to see us come together and decide, through debate, what level of penalties we need, how the issue should be approached.

But instead the Bill is being misrepresented, is being accused, is being spawned as a nice gimmick in this election year. Government, and by implication myself, have been accused of hypocrisy. A Member said that it is hypocrisy to bring on the eve of a general election, it is nothing but hypocrisy on the part of Government. He does not like it when I go anywhere near suggesting hypocrisy on his part and was quick to correct me over the urine test the other day and so he should not be surprised when I respond to him that I do not warm to being accused of hypocrisy or being a party to hypocrisy.

I understand that in the heat of debate one can get carried away and that these unparliamentary expressions can fall out and so I did not interrupt him. But the effect of all that is that this Bill, which deals with a matter of sentencing principle, which should not be a political issue at all, has become mired in the most basic and I am afraid at times the most murky politics and I am afraid that Member bears some blame for this. I say to him, shame on you.

Thank you, Madam Speaker.

**MADAM SPEAKER:** The question before the Honourable House is that a Bill entitled the Misuse of Drugs (Penalties) Law, 1992 be given a Second Reading. I shall put the question.

**QUESTION PUT: AYES AND NOES**

**MADAM SPEAKER:** The Ayes have it.

**MR. W. McKEEVA BUSH:** May I have a Division please?

**DIVISION NO. 4/92**

**Ayes: 8**

Hon. Thomas C. Jefferson  
Hon. Richard Ground  
Hon. J. Lemuel Hurlston  
Hon. W. Norman Bodden  
Hon. Benson O. Ebanks  
Hon. D. Ezzard Miller  
Hon. Linford A. Pierson  
Capt. Mabry S. Kirkconnell

**Noes: 5**

Mr. W. McKeever Bush  
Mr. John D. Jefferson, Jr  
Mr. Truman M. Bodden  
Mr. G. Haig Bodden  
Mr. John B. McLean

**Absent: 2**

Mr. Roy Bodden  
Mr. Gilbert A. McLean

**MADAM SPEAKER:** The result of the Division is eight Ayes, five Noes. The Bill has accordingly been given a Second Reading.

**AGREED BY MAJORITY:** **THE MISUSE OF DRUGS (PENALTIES) BILL, 1992, GIVEN A SECOND READING.**

**MADAM SPEAKER:** The House will now go into Committee to consider the Bill.

**HOUSE IN COMMITTEE AT 3:37 P.M.**

**COMMITTEE ON BILL**

**THE MISUSE OF DRUGS (PENALTIES) BILL, 1992**

**MADAM CHAIRMAN:** Please be seated. The House is in Committee to consider a Bill

entitled the Misuse of Drugs (Penalties) Law, 1992. As is customary, if there are any amendments, omissions, etcetera in this short Bill, the Honourable Second Official Member would be asked make these.

The Clerk will now read the clauses.

CLERK:	CLAUSE 1:	Short Title
	CLAUSE 2:	Interpretation
	CLAUSE 3:	Section 13 amended
	CLAUSE 4:	Section 26 amended
	CLAUSE 5:	Second Schedule amended

**MADAM CHAIRMAN:** The question is that clauses 1 through 5 do stand part of the Bill.

**HON. RICHARD W. GROUND:** A Member was just asking me whether in clause 5 it should be Table B or Part B.

**MR. TRUMAN M. BODDEN:** I think it is probably Part B.

**HON. RICHARD W. GROUND:** I am just looking. He is right. In fact it is Part B. We will change that of course. I am grateful for that.

**MADAM CHAIRMAN:** Is that Part B?

**HON. RICHARD W. GROUND:** Yes, Part instead of Table, Madam Chairman.

**MADAM CHAIRMAN:** Part B. Good, that is just an error.  
I shall put the question then that clauses 1 through 5 do stand part of the Bill.

#### CLAUSES 1 THROUGH 5 PASSED BY MAJORITY.

**CLERK:** A Bill to Amend the Misuse of Drugs Law (Second Revision).

**MADAM CHAIRMAN:** The question is that the Title do stand part of the Bill.

THE TITLE PASSED.

**MADAM CHAIRMAN:** That concludes proceedings in Committee on a Bill entitled the Misuse of Drugs (Penalties) Law, 1992.  
The House will resume.

HOUSE RESUMED AT 3:40 P.M.

**MADAM SPEAKER:** Please be seated. Report.

### REPORT THEREON

#### THE MISUSE OF DRUGS (PENALTIES) BILL, 1992

**CLERK:** The Misuse of Drugs (Penalties) Bill, 1992.

**HON. RICHARD W. GROUND:** Madam Speaker, I beg to report that the Bill entitled the Misuse of Drugs (Penalties) Bill, 1992 has been considered by a Committee of the whole House and passed without amendment.

**MADAM SPEAKER:** The Bill is accordingly set down for Third Reading. The House will be suspended for 15 minutes.

AT 3:40 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 4:03 P.M.

**MADAM SPEAKER:** Please be seated. First Readings, Bills.

### FIRST READINGS

#### THE HEALTH CARE INSURANCE BILL, 1992

**CLERK:** The Health Care Insurance Bill, 1992.

**MADAM SPEAKER:**  
for Second Reading.

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

### THE GUARDIANSHIP AND CUSTODY OF CHILDREN (AMENDMENT) BILL, 1992

**CLERK:** The Guardianship and Custody of Children (Amendment) Bill, 1991.

**MADAM SPEAKER:**  
for Second Reading.

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

### THE LOAN (GEORGE TOWN HOSPITAL) (AMENDMENT) BILL, 1992

**CLERK:** The Loan (George Town Hospital), (Amendment) Bill, 1992.

**MADAM SPEAKER:**  
for Second Reading. Second Readings.

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

## SECOND READINGS

### THE HEALTH CARE INSURANCE BILL, 1992

**CLERK:** The Health Care Insurance Bill, 1992.

**HON. D. EZZARD MILLER:** Madam Speaker, I beg to move the Second Reading of a Bill entitled, a Bill for a Law relating to the provision of Health Care Insurance.

Madam Speaker, national health insurance is a very topical subject throughout the world today especially in the great capitalist society of the United States, to our north. It has been talked about in the Cayman Islands for several years and now it is before this Honourable House in a form that this Government and the health insurance industry in the Cayman Islands thinks is workable. It provides the necessary protection from catastrophic illness, particularly in hospitalisation.

The health insurance industry has been widely consulted on the provisions of this Bill, both in the areas of coverage, administration and premium cost. The industry has given valuable input and recommendations and they support this Bill which is before Parliament.

This Bill introduces national health insurance in the following form. It makes a basic package of health insurance coverage compulsory for all Caymanians and residents. This package will be spelled out in the regulations to the Bill to be presented in June. It places the responsibility, to ensure that people are covered, on the employer to pay the premium and it enables the employer to deduct up to 50 per cent of the cost of the premium from an employee and up to 100 per cent from an unemployed spouse of an employee.

The Bill also provides appropriate penalties against employers who do not comply with the legislation. The Bill also provides for the establishment of a health insurance commission to regulate the industry under the Chairmanship of the Superintendent of Insurance.

The Memorandum of Objects and Reasons of the Bill are as follows: The object of this Bill is to establish a system of compulsory basic health care insurance for people working in the Cayman Islands, and their spouses. As I said, it does this by requiring that employers must effect and maintain on behalf of themselves and their spouses, and each of their employees and their spouses a standard health care insurance contract with an approved insurer.

Clause 1 as usual, Madam Speaker, gives the short title of the Bill. Clause 2 provides for the Bill to come into effect on a date or dates appointed by the Governor by notice in the Gazette. Clause 3 makes it clear that the Crown (as an employer) is covered by the Law. Clause 4 defines certain expressions used in the Law. In particular it defines "non-employed spouse" and "standard health care insurance contract".

Clause 5 establishes a Commission which has certain advisory and decision making functions under the Law. Clause 6 specifies the procedure to apply at meetings of the Commission. Clause 7 permits the Member to give the Commission general directions as to the exercise of its functions if the Member believes it is in the public interest to do so. Clause 8 requires (with certain exceptions) an employer to effect and continue in force a standard health care insurance contract on behalf of himself, a non-employed spouse, each employee and the non-employed spouse of any employee. It also provides that a person need not be insured more than once if, for example, he is both an employer and an employee, or has more than one employer. Any question in this respect is to be referred to the Commission in the first instance. The Governor in Council has power to exempt employers and employees from the insurance requirements where he considers it appropriate to do so.

Clause 9 allows an employer to deduct from the salary of an employee up to half the cost of insuring the employee in accordance with clause 8, and up to the whole cost of insuring any non-employed spouse of the employee. It is an offence for an employer to deduct more than this amount, and an offence for an employee not to keep his employer informed of circumstances that may change the employer's obligations.

Clause 10 provides that if an employer does not carry out his obligations under the Law and, as a result, a person loses a benefit, that person may obtain the cost of that benefit

from the employer. Clause 11 allows an employer to carry out his obligations to provide health care benefits by establishing a scheme under which people will be entitled to benefits comparable to those they would have obtained if the employer had insured. Such schemes must be approved by the Commission.

Clause 12 prohibits an insurer from offering to the public a contract of health care insurance that provides benefits less than those provided by the standard health care insurance contract. Exceptions can be made with the approval of the Commission. Clause 13 establishes the system under which insurers are approved to offer health care insurance to the public. This is intended to ensure that approved insurers are capable of carrying out their obligations under the Law, and do so.

Clause 14 ensures that once a standard health care insurance contract has been effected in respect of a person the insurer can only terminate it for non-payment of a premium and (and not, for example, because the insured person has become, with age, a bad risk). An insurance contract can be cancelled if lies were told to obtain it. Clause 15 makes it an offence to lie to obtain a benefit under the Law. Clause 16 provides that if a corporation commits an offence under the Law (e.g. fails to insure its employees) because of the fault of an official of the corporation, that official is also guilty of the offence. Clause 17 allows a person who has provided a health care benefit to obtain payment for the benefit either from the person to whom he provided it or from his insurer, or, in the case of a person covered by an approved scheme, his employer.

Clause 18 allows an insurer to pay an amount owing in respect of a benefit provided to an insured person directly to the person who provided the benefit. Clause 19 requires the Government to make good to the Health Services Authority the cost to the Authority of providing free benefits to certain people. Clause 20 requires certain disputes to be referred to the Commission in the first instance. Clause 21 allows people aggrieved by a decision of the Commission to appeal to the Grand Court. Clause 22 allows the Governor in Council to make regulations giving effect to the law. In particular the regulations may prescribe the benefits to be included in the standard health care insurance contract, the maximum premiums chargeable under such a contract and its terms and conditions. In these matters the Governor has no power to make regulations unless he has sought the views of the Commission and the health care insurance industry. Regulations have no effect until approved by the Legislature.

Now, Madam Speaker, the intended implementation schedule of this Law, if the Bill is passed in this meeting, is a passage of the Bill to put in place the statute requirements for the Law in this meeting. Regulations under the Law to be tabled in the June meeting and one year for implementation before the penalties of the Bill have effect in June 1993.

This Bill has received much circulation and discussion by the industry, the Chamber of Commerce, large employers, as well as several professional organisations. Just to give a brief history of how we got to where we are today, we set up a small committee within the Portfolio in June 1991. The committee circulated a first draft of this Bill with draft regulations for discussion on August 22 for representations to be received to the committee through my Portfolio by the 30th of September 1991. We took in their recommendations, the committee considered them and we published a second draft in October which was circulated quite widely with comments to be received back to the committee by the 17th of January, 1992. Around three months for the public and those organisations from which we sought input to review the second draft.

Unfortunately, only six representations out of some 80+ copies that had been mailed to specific individuals, organisations and large employers. We got back only six representations. However, those six representations contained some very valuable and useful comments. We have incorporated those into the Bill which is before us and Members will also recognise a difference in drafting style. This Bill, the drafting style is much more concise and direct. This is a direct reflection of the new draftsman that the Government has employed.

The basic package is intended to include the following: In-patient Service, including accommodation and meals at the public ward rate at the George Town Hospital in Grand Cayman; the Faith Hospital in Cayman Brac; and any other facility established or operated in the Cayman Islands by the Health Services Authority. These facilities and public hospitals have been defined collectively as health care facilities.

This is not to say that the insurance would not cover fees in a private hospital if and when one was ever built but certainly the coverage could only be to the level of fees authorised by Parliament for those procedures to be charged. The Bill and the regulations will not only specify what is in the basic package, but it is going to specify the maximum price that can be charged by any health care insurance provider for that package. In order to do that fairly and equitably, the prices which industry or the health professions charge has to be fixed at some level.

In addition the basic package will cover full nursing services, laboratory, radiology and other diagnostic procedures, drugs administered in the health care facility, use of operating room, anesthetic facilities and equipment and supplies, standard surgical supplies, use of radio therapy facilities, use of physiotherapy facilities, use of haemodialysis facilities, use of ultra-sound facilities, treatment for alcoholism, use of orthopedic braces, services rendered by persons who receive remuneration for that service from the health care facility and maternity treatment. All of those services are covered as an in-patient.

In addition to those in-patient services the following out-patient services are provided: pathological studies, x-rays and other diagnostic procedures not obtainable or generally provided in a doctors office, the use of radio therapy, occupational therapy and physiotherapy facilities, treatment for accidental injury, local ambulance service and mammography services. These are included as an out-patient component on the way to an in-patient within 24 hours of having been admitted.

It will also cover, in addition to these items, a doctors consultation visit to any physician registered to practice medicine in the Cayman Islands at a fee of \$25. The reason we set the fee at \$25 is because that is what this Parliament authorised the Health Services Authority to charge. We

have to set the fee at some limit otherwise the actuary could not possibly compute what the maximum premium should be. So, Madam Speaker, if one goes to a physician anywhere in the Island who charges \$25, as some private practitioners do, this basic package will cover that visit. It does not cover medications or any other test etcetera. It covers the doctors consultation visit for that \$25.

On the other hand, if the patient goes to a private practitioner, as there are some who charge \$55, \$60, \$70, even as high as \$90, the only coverage from the basic health insurance package will be \$25 out of that charge. The person will have to buy an improved insurance package to cover that whole charge or pay the balance out of their own pocket. It also covers air ambulance evacuation, if needed, it also covers in-patient accommodation and all the things that one gets as an in-patient in Cayman, if one is referred to the institution with which the Health Services Authority has a contractual relationship at that time and is referred through the Health Services Authority. There is no limit placed on the length of time one can be hospitalised.

The consulting actuary has priced the premium for that basic package at \$44.57, some people have suggested rounding it off to \$45 but that would only increase the profit of the health insurance companies. This is a very reasonable premium for people to pay on a monthly basis. It is substantially less than what most people are paying today on individual plans for similar coverage and because this legislation will allow the introduction of group health in insurance in the Cayman Islands.

I think it is significant that none of the health insurance companies, with which we have been working over the last seven to eight months have raised any objection, having been told some three weeks ago as to what the premium is likely to be because in fairness to them we have included a 15 per cent charge for their administrative costs and/or profit if it turns out to be that.

This Bill before this House has the support of a broad base of the community, it has the support of the industry who are involved in providing the health insurance. It does what the Government intended to do and that is to provide protection from the people of the Cayman Islands from catastrophic illness.

Let me hasten to point out, that this Bill in no way limits the kind of coverage any individual might purchase for his own benefit or have his employer purchase for his benefit in the Cayman Islands. What it does is it sets a minimum standard required. Most of the health insurance being sold in the Cayman Islands today exceed or is equal in many areas to this basic package. The only two additional requirements placed on the health insurance industry is (1) they have to be prepared to sell the basic package at or below the maximum prescribed price set by this Parliament for that package; and (2) the health care benefit which the person has purchased has to be assignable to the individual health care provider who provided the benefit.

The industry seems to have no problem with those two requirements in addition to the insurance licence that they already have and Madam Speaker, I recommend the Bill to this Honourable House.

**MADAM SPEAKER:**

The question before the Honourable House is that a Bill entitled the Health Care Insurance Bill be given a second reading. It is now 28 minutes past four and I will ask for the adjournment.

## ADJOURNMENT

**HON. THOMAS C. JEFFERSON:**

House until 10 o'clock Wednesday morning.

Madam Speaker, I move the adjournment of this Honourable

**QUESTION PUT: AGREED**

**AT 4:29 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
WEDNESDAY, 11TH MARCH, 1992.**



**WEDNESDAY  
11TH MARCH, 1992  
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, 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:**  
resumed.

Please be seated. Proceedings in the Legislative Assembly are

**APOLOGIES**

**MADAM SPEAKER:**

Before we commence the business for today I wish to inform Members that the Honourable Member for Communications, Works and Agriculture has extended his apology for absence from the Assembly from today to the 13th March. He will be in Miami attending the Sea Trade, Cruise Shipping Conference, 1992. The Second Elected Member for Bodden Town has also extended an apology for absence. He had to take his wife overseas for medical aid.

Bills, Third Reading.

**GOVERNMENT BUSINESS**

**BILLS**

**THIRD READING**

**THE MISUSE OF DRUGS (PENALTIES) BILL, 1992**

**CLERK:** The Misuse of Drugs (Penalties) Bill, 1992.

**HON. RICHARD W. GROUND:**  
Bill, 1992, be given a Third Reading and passed.

Madam Speaker, I move that the Misuse of Drugs (Penalties)

**MADAM SPEAKER:**

The question before the Honourable House is that a Bill entitled Misuse of Drugs (Penalties) Bill, 1992 be given a Third Reading and passed. I shall put the question.

**QUESTION PUT: AGREED.**

**THE MISUSE OF DRUGS (PENALTIES) BILL, 1992, GIVEN A THIRD READING AND PASSED.**

**MADAM SPEAKER:**  
Insurance Bill, 1992.

Second Readings. Continuation of Debate on the Health Care

**SECOND READINGS**

**THE HEALTH CARE INSURANCE BILL, 1992**

**MADAM SPEAKER:**

The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, the Bill before us has been talked about for some time. It has now been cut back quite a bit on the original draft. Whether that will mean anything when it comes to the Regulations, we will have to wait and see.

There are a few areas which give me concern. The Bill in clause 8(3)(a) and (b) deals with the question as to who is a principal employer and who is not, and this is to be decided by the Commission. Maybe the Member in Committee will give us some idea of perhaps how this might be decided?

In the clauses dealing with the Commission we see that the Superintendent of Insurance is to be the Chairman of the Commission. We also see in clause 7 the Member for Health, who is piloting the Bill, will be responsible to give direction to the Commission. This is an Insurance Bill and while it is a Health Insurance Bill nevertheless the Portfolio of Finance is responsible for the Superintendent of Insurance and all insurance matters. This Bill seems to me that perhaps it will be conflicting in several areas of duties between the Portfolio of Finance and the Portfolio of Health. I do not think that this really needs to be so and I hope that it will not be so.

Generally, the Bill has my support in the absence of anything better. It is a very important piece of social legislation, much more needed today because of the outlandish hike in hospital fees. Whether the Bill is realistic in its entirety is another matter. I have yet to be convinced that a \$44 per month premium out of a working population of 16,000+ can pay for the services at the present Hospital with its present fee structure and be viable to any company. Then if the new Hospital comes on stream that will be another matter. I know that the Member keeps saying that the fees are not going to increase at the proposed Hospital and that the \$44 per month is quite sufficient. If he believes that then he really does not understand insurance.

In my view it will not be long, if we keep on the present course, before these fees will have to be raised to pay for the new Hospital. In Bermuda the fees I believe are generally in the same area but the Government of Bermuda has to subsidise their hospital services of \$30 million a year with a tax on income. They call it a hospital levy but it is the same thing. I think if we keep on the present course this is where this country will end up. We have heard the Member say to the contrary. Well, the country will see in the future what will be the position.

As for me, I will repeat today what I said in December. I will not increase taxes or hike insurance premiums or hike hospital fees to the point where our people are put into more hardship than they are experiencing today with inflation and the high cost of living. I trust that all lending institutions in this country or outside hear my voice. If God is willing, my vote will not count to pay them in the increase of fees to pay the Hospital's way.

Madam Speaker, generally the Bill has my support.

**MADAM SPEAKER:**

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. Madam Speaker, I rise to offer my contribution on a Bill for a Law Relating to the Provision of Health Care Insurance which was moved by the Member for Health.

I would just like to say that in principle I do support health insurance for our people. At the present time, and I think the Member did mention this, a large percentage of our people do not have any form whatsoever of health insurance coverage and when they do meet with a catastrophe, and I have seen a few of these, they are then required to go out and borrow money from a bank maybe pledging their home as collateral and going to Miami or somewhere else for medical attention. It does not take a person, lying in a hospital overseas, very long before they have built up quite a substantial bill in medical expenses. Or, the alternative is that they come to Government for Government to send the person overseas for medical attention and in return Government is then in a position where they have to try to collect these funds from the individuals or from their family and this has been a very difficult process. I recall about a year ago that we in Finance Committee wrote off some \$2 million in overseas medical expenses.

Madam Speaker, I believe that the idea of a national health insurance is a good thing but I feel that individuals or companies who do not opt to be a part of this programme should still be in a position where they can go and get that health insurance coverage on their own from any reputable insurance company which offers that type of coverage. I have a few problems with certain portions of the Bill. The first area that I have a problem with is where the Commission is in a position to set the rates of the premiums which the insurance companies will charge for this coverage. I think it is important for those premiums to be arrived at on a mutually agreed basis between Government and the insurance companies because the insurance companies are also in business to make a profit and if the fees that they are required to charge are too low and are not sufficient to cover their costs then what you will find is that the better insurance companies will probably not be a part of it and the insurance companies who probably do not have as good a reputation will jump in and offer the coverage knowing that they are not in a position to do it on a long term basis. This could cause problems down the road. So I feel that it is important for the premiums to be set or agreed upon by the insurance companies and Government on a mutually agreed basis.

From my information, and I am not sure that it is the position, as the Member mentioned that he did have the support of the insurance companies on the premium which he quoted which was some \$44 per month per individual. I understand that some of their positions were that they did not have sufficient information upon which to make a decision. So I am hoping that this can be ironed out and that the insurance premium agreed upon will be something that both the members of this society as well as the insurance

companies will be in a position to live with. One factor that must be considered in all of this is that the health insurance coverage will add to the cost of living and the cost of everything because now that employers are obligated to provide that coverage for their employees they are going to pass it on to the consumer through higher fees for goods and services.

I feel that the way the deductions were done for the premium is fair, where the employer pays 50 per cent and the employee pays 50 per cent. The employee is responsible then for the coverage for his spouse be they male or female. I feel that what you find if that some insurance companies may initially agree with this \$44 per month premium but once the plan is put in place, we will definitely see an increase in the premiums because as I said, I doubt that the insurance companies will be in a position to carry this coverage with premiums at that level. I think what you will find also is that hospital fees will have to be raised substantially in the future in order for the Health Authority to be able to carry itself. This in turn will also affect the premiums which will be charged by the insurance companies.

Madam Speaker, I would suggest that, and I am not sure what the Member has in mind, maybe this particular Bill be referred to a Select Committee of the whole House where before everything is finalised we can get further views from the industry and from the general public as a whole because in the end what will happen is that we are going to have to depend on the general public to support this scheme if it is going to work.

I do not feel that because Government has a national health insurance coverage programme that they should be in a position to tell the insurance companies that they are not in a position to offer individual programmes or coverage which are less than what they are offering Government. I feel that each contract as far as the insurance companies are concerned, must be arrived at and considered on its own merits. I do not feel that in an environment where we believe in free trade and very little Government interference or restrictions that Government should be taking that role as far as the insurance companies are concerned. So I feel that in principle this is a good thing. I, for one, am not one of those Members who oppose just for the principle of opposing. I have always maintained the position that if something is brought which I feel is in the best interest of my people I will support that regardless of who brings it and that is my position on this particular Bill. I feel that health insurance is a good and very necessary thing. I commend the Member and say that he has my support.

Thank you.

**MADAM SPEAKER:**  
Elected Member for East End.

If no other Member wishes to speak on the Bill I will ask.... The

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. Madam Speaker, I support this Bill in principle, which is presently before us to deal with provisions for a health care insurance for these Islands. I believe that health care for all is a good thing but at the same time I would say that we need to be very cautious with what is placed in this Bill. We have to be very careful about the types of premiums which will be placed on individuals because of this Bill.

I am aware that the Member has quoted a figure of \$44.57 which I do consider to be a good figure, if in fact this figure can really and truly pay for what he says it can pay for. The question I ask is, is he certain that this figure is really and truly a realistic figure and can this really and truly cover the cost of what we are hoping to do? I also have a few concerns about areas in this Bill and as has been pointed out, especially in section 8, I am very much concerned about this. Again, I hope that when we go to Committee that the Member will take time to perhaps go through these various sections or perhaps it would not be a bad idea if we spent some more time on this Bill in a Select Committee.

In section 12 I am really concerned that perhaps this section might not even be needed. It is quite possible that this could be, I would say, dictated by the fact that the insurer in the first place would have to be covered by a licence to operate anyway. I would think this should dictate whether or not they would be offering an approved coverage to the people. However, again, I would invite the Member to perhaps elaborate on these sections.

With these few remarks I would like to say that again, I believe it is a good move to offer health care coverage to our people and it is my hope that once it is in the Committee stage I will be able to offer my full support to the Bill.

Thank you.

**MADAM SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. I rise to support a Bill for a Law Relating to the Provision of Health Care Insurance. This is a day which I have long looked forward to when I would see the introduction of a Health Care Bill before this Legislature. Having travelled quite a bit as a seaman and being exposed to high medical costs in places around the world, I have, at an early age, realised the necessity for health insurance and provided myself and my family with health insurance very early and have benefited by so doing.

We are now in an era where the whole world has become extremely concerned and looking towards changing their policy on health care and insurance provisions for it. The United States, for many years, has had a type of medical insurance, the United Kingdom more of a socialised medical system and other countries adopted their own systems to suit their needs. On a global basis today medical care, the cost of it, is becoming a burden that very few individuals are able to cope with.

I have recently spoken with a friend of mine living in the State of Mississippi and he said to me that the insurance for his family which is just himself, his wife, and one child, was in

excess of \$650 per month. Another of just a husband and wife of over \$500. So we see not only the Cayman Islands is having this problem this is world wide and this is compounded to us because of the high cost in the outside world to which we often have to refer.

I would like to say this. I think this is one of the strong reasons why we need to make every effort to provide a proper primary medical facility here in the Cayman Islands to eliminate us having to depend entirely on treatment, for anything other than very minor ones, overseas. It is important that we develop our health facilities here in the Cayman Islands to cope with the needs of our people except in very serious illnesses.

I have paid very close attention to the development of the health insurance since the Honourable Member has started it very early after he assumed the responsibility for this Portfolio. We have had many discussions and I am glad to see what has evolved from his many discussions and what is now before this House. I do not think he and certainly I would not say that this is the ideal situation or the solution to all of our problems but it is a large step in the right direction.

Madam Speaker, we note that the Superintendent of Insurance will be the Chairman of the Commission therefore with his knowledge he will be able to keep a close check on the operation of it. The policies themselves will be in the hands of private insurers therefore, the premiums will be collected by the private companies and the claims will be paid by them. It will not be a burden on the Treasury of this country. I also note that there is provision in this Law where certain portions of it can come into effect at different times. It is not necessary that it all has to come in at one time. I also note and I am glad to see that the Government, the Crown, will be an employer according to the interpretation in the Law. They will be covered by this Law.

I would like to refer to the Interpretation section for a minute and read the interpretation of a few of these for the listening audience in particular.

"approved insurer" means an insurer approved by the Commission under section 13;

"approved scheme" means a scheme approved by the Commission under section 11;

"the Authority" means the Cayman Islands Health Services Authority established under section 3 of the Health Services Authority Law, 1991;

"Commission" means the Health Care Insurance Commission established under section 5;

"employee" means a person who works under a contract of employment (whether oral, written, express or implied) for an employer;

"Governor" means the Governor in Council;

"insurer" has the meaning assigned to it by the Insurance Law, 1979;

"licensed insurer" means an insurer licensed under the Insurance Law, 1979;

"Member" means the Member responsible for health matters [the Member presently responsible for Health and Social Services];"

and the definition of that is: The Law refers to the non-employed spouse of an employee

"non-employed spouse", in respect of an employer or employee, means the legally married spouse of the employer or employee where the spouse -

- (a) is not living apart from the employer or employee under a deed of separation or order of court; and
- (b) is not an employer or employee; and
- (c) is ordinarily resident in the Islands;"

The next interpretation is standard health care insurance contract. This is particularly important, Madam Speaker.

"standard health care insurance contract" means a contract to provide insurance cover in respect of the prescribed health care benefits, being a contract that is subject to the prescribed terms and conditions and which contain no exclusions or exemptions that are not prescribed exclusions or exemptions."

I call specific reference to that because the Honourable Member yesterday referred to what is covered in the basic benefits, the standard health care benefits which are being set out in this and I crave your indulgence to once again read those.

"The basic benefits provided for the following:-

In-patient service including accommodations and meals at the public ward rate at the George Town Hospital in Grand Cayman, the Faith Hospital in Cayman Brac and any other facility established or operated in the Cayman Islands by the Health Services Authority. These facilities and public hospitals have been defined collectively as "health care facilities." It includes:-

- (b) full nursing services;
- (c) laboratory radiological and diagnostic procedures;
- (d) drug administered in the health care facility; Note: the drugs have to be administered while in health care facility;
- (e) use of operating room and anesthetic facilities, equipment and supplies;
- (f) standard surgical supplies;
- (g) use of radio therapy facilities;
- (h) use of physiotherapy facilities;
- (i) use of haemodialysis facilities;
- (j) use of ultrasound facilities;
- (k) treatment of alcoholism;
- (l) use of orthopaedic braces, crutches or anything which is needed for orthopaedic treatment;
- (m) services rendered by persons who receive remuneration for that service from the health care facility; and
- (n) maternity treatment."

Madam Speaker, this is what is included in the basic policies for in-patient treatment. Now out-patient benefits provided are as follows:-

"Pathological studies, x-ray and other diagnostic procedures not obtainable or generally provided in a doctor's office; use of radio therapy, occupational therapy or physiotherapy facilities; treatment for accidental injury; local ambulance service; mammography services.

Special conditions apply to maternity benefits, mental illness, alcohol and drug abuse.

Expenses incurred in an approved health care facility outside the Cayman Islands may be covered but transportation to or from the approved health care facility is not covered."

Madam Speaker, this, as has been clearly set out, are the standard health care benefits. This is the basic policy which the rates cover. This does not mean that if a person has it within his means to take additional coverage from any insurance company selling health insurance or which have other additional policies which you can buy to cover you to any extent that you want to be covered. This is basic as it is the belief that every individual needs to be covered, that they can have these basic services when they are necessary and that no provision will have to be made when they get sick other than to show their insurance card at the reception desk at the Hospital and services will be rendered.

The Member also went on to say that he had asked that special provisions be made so that an out-patient benefit of \$25 per visit be paid in respect of office visits to the patient's own doctor, a private doctor, without limitation as to the number of visits in any one year. That, as I understand it, means that if you choose to go to the doctor of your choice who is not a member of the Health Services Government Hospital staff, they will pay the first \$25. The additional, if any, will have to be borne by the individual patient. Also benefits outside the Cayman Islands, if they become necessary, will be limited to a maximum of 45 days. Again there will be additional coverage available which can take you beyond the 45 days and beyond the \$25 if that is what you feel you need and is what you can afford.

The introduction of a national health care insurance I think, is a step being taken that is definitely going to help people who for many years have had serious problems when they needed medical aid. They have been able to go to the Government Hospital if they were indigent and that is not going to change with this. The Government is still going to assume those responsibilities and special provisions are going to be made for those and also any others who Government is now responsible for the payment of their fees. That is going to be covered in this Law so those people will not be affected, is my understanding. I am speaking as I understand it. If I am not correct the Honourable Member can correct me when he is making his summation.

The necessity for a national health insurance is because of all that we hear of communicable diseases that are prevalent around the world, long periods of sickness which are common and the terrific expense it has become on our Government. I think the introduction of the national health care insurance will place a lot of the burden of health care onto the insurance companies because that is their business. They collect premiums and they are geared to pay claims. They have their profit factor figured in so that they are set up to deal with this.

The Cayman Islands Government for many years has subsidised to a large extent, not only the people in the Cayman Islands who needed to be subsidised, but everyone who got service at the George Town or Faith Hospital because their billing was a very small percentage of the actual cost. Therefore, that is one of the reasons that health cost to the Government has been so high in the past. Now those of us who can afford to pay will pay because everybody will be paying an insurance premium, your

employer or you individually. If you want additional care beyond the basic package you will pay the additional premium.

Therefore, I think this is the beginning of a great revolution in our medical health care expenses in these Islands. I look forward to improved hospital facilities which will go hand in hand with this national health care insurance where 99 per cent or a large percentage of those requiring treatment will be able to get it in our basic medical facilities in the Cayman Islands.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. This Bill is a very important Bill and the principle of health care insurance is one that I support. I had to think fairly carefully on whether to support or not support this Bill but I believe that on the balance of what is in here I will support it subject to the criticisms which I have to make. There are areas of it that do worry me and that worry is a real one.

The Bill is really a skeleton Bill. There is very little in this Law and therefore, the crunch is going to come at a later stage when the Member produces the Regulations. I am not now naturally going to try to go into those Regulations but the tactic which is being used here is a very old political one. It is one in which you produce a Bill with the removal of the controversial areas into Regulations which will come at a later stage to get it through. Once you have the principle of it through, then basically you have your foot in the door with the other parts that the public may not want. I believe that the public wants good health insurance and I fully support that.

The Regulations under this will have to come back to this Honourable House but what has happened with the subsequent drafts of this Law is that the Member has taken a lot of the controversial matters and removed them from the Bill, produced a skeleton Bill and now we are going to, really at a later stage, see what he really intends in relation to the details of this Bill. I do not think that this is the proper way to go about doing this. I really do not think so. I think that a full picture should have been put to the public and to this House and we should have been able to see exactly what is the detailed position.

Further, there are areas of the Bill, because it is an extremely short Bill, some 22 clauses, which deal with protections need not necessarily be prescribed. So everything now under this Bill goes squarely back in the hands of the Member for Health and his elected colleagues to decide what to bring at a later stage and how much of the Regulations to bring and when to bring them or even worse than that, perhaps areas that need to be brought would be adjourned until further down, or using the tactic of this Government they will be left, if they are very difficult or very expensive, for the new Government after November, 1992, to pay for.

So these are my general worries about a skeleton Bill of this sort. Having said that I would now like to look at the principles behind this Bill. The Bill appoints a Health Care Insurance Commission and it is good to see that at least one person on it has been named the Superintendent of Insurance, or his nominee. I would hope that especially in the early years of this the Superintendent himself will sit on the Board because the Health Care Insurance Commission is going to be extremely important from several aspects.

It is going to be a body which is going to approve the insurance scheme under section 11 of the Law. It is going to deal with certain complaints or disputes in relation to health care benefits and it therefore, is one that is going to have to deal both with the insurer and with the insured, and bridging or balancing that dual role is one that I believe is going to be difficult at times to do.

The Commission is basically left to regulate its own business other than the few things which are set down such as the decisions being by majority votes and who presides and what is a quorum. I would like to have perhaps seen something by which they would have had to meet at least once every month or once every specific period to ensure that it is functional because we know that extremely important boards and councils, for example the Drug Advisory Council, very long periods have gone by and no meetings have arisen. However, this Health Care Insurance Commission is one that is going to have, in my view, a lot of work to do.

I object to section 7 of the Law and this is what it says: "7. The Member may, after consulting the Commission, give the Commission general directions as to the exercise and performance of its functions if it appears to the Member necessary to do so in the public interest." Madam Speaker, we know that when the Member for Health does not get his way, he can be very difficult and in some instances antagonistic in his approach to things. I would have been a lot happier seeing, if this had to be subject to the general directions of anybody, that the Executive Council as a whole - and I know the Member may say that it will have to clear, well, it does not say that it has to clear Executive Council in it at all but it should originate either from the Council - but if these are very major directions they should come back to the Legislative Assembly.

So I would hope that the Regulations which come here would cover just about all of the instances that major recommendations would have to be made to the Commission and while it says after consulting the Commission the Member gives the directions, his only duty is to consult, it is not to take their advice. We know as he has gone to the public with many of his different projects, the new Hospital, this Law, the Pensions Law or whatever Bills, that he follows the democratic process of consulting but he does not take the advice. Therein lies the problem. I think that with this Member for Health to put in "after consulting the Commission," is really superfluous and they are words which could have been left out. I would be happier seeing the directions flow from Executive Council and if they are really major they should flow from this Honourable House because they are going to affect every working person, in fact, could affect every person in this Island.

I was somewhat worried about, and I will not say any more on

this, the drafting of the penalty but I understand that this is now the new way of drafting which is very brief and provided it can stand the test in Courts, which I am sure our good legal draftsmen knows will happen at a fairly early stage, then so be it. The obligation to ensure, naturally, has to be there. The way that the premium is divided up, once again, I think, is only reasonable. I do not think the Member could have done anything more there and I do not have very much worry with those sections on the principle of it.

An area which has to be looked at carefully is where we are dealing with the actual insurance contracts, the people who are going to write these and the approval of the insurers under section 13. It is all well and good to state that all of the, as the Member stated and I cannot necessarily dispute it, health insurance industry supports the Bill because the test is going to come in the very near future when the insurers apply for approval and when we look at those who are going to accept the mandatory, maximum premiums and the mandatory minimum insurance benefits that this Law provides.

I believe, and this is a belief based more on the democratic process, that it has to be a lot better to have an independent body capable of sitting down with a group of insurers who are interested in coming under this Law and insuring persons and to work out with them what can be acceptable both as to the maximum premium and the minimum insured benefits. I know that there are some large insurers, whether they are here or not I am not too certain, who refuse to operate in a mandated premium atmosphere. You can really see, I guess, their reasoning behind it. The Member obviously wants to get the minimum amount of premium for the maximum amount of benefit and I do not fault him in that.

I support him in that but I really believe that the approach has to be one which is a mutual approach to this because if it is not and the insurance companies are not happy, then they are not going to insure. It may well be the view of Government that you must take it or leave it but when you are dealing with international insurance companies it is probably a very small share of their market and they can well enough leave it as they can take it. So I really believe that in the early stages especially what would have been good and obviously the Member has stated that \$44.57 per month is what he is going to put as the premium, not suggest it, and therefore they are going to be facing what at present is a totally unrealistic premium as far as the normal insurance premiums in this country go.

I, quite frankly, am not a specialist in insurance. I have discussed this with different people and from what I could glean a lot of information which was necessary to perhaps decide whether this is correct or not is not with all of the insurance companies who are interested in insuring. That may have changed since I spoke to them and I cannot refute the Member's allegation that the insurance industry supports the Bill but I am wondering if it also supports all of the Bill and all of what they know or expect will come in the Regulations. It would be sad if we did find that some of the major insurers chose not to insure in the Island because either of the mandatory maximum premiums or the insurance benefits that have been set out in the Law.

I know that a lot of what was put out especially in the first draft has now been left out of this Bill and many areas of controversy are no longer in it. Perhaps the more worrying of the sections is section 19 which are the fees to be paid by Government to the Health Services Authority. This states specifically that "the Government shall pay to the Authority an amount equal to the fee the Authority would have been entitled to charge had that person not been entitled to the benefit free of charge," for the provision of health care benefit for that person.

This seems to me to be a sum that appears not to be negotiable. In other words the Health Services Authority, as an independent body, which it will hopefully be when the Member for Health gets off of it, is going to require Government to pay the amount for people who benefit freely from the Law. It is perhaps around this where other Members have spoken that the question of how much Government is going to have to contribute to the Authority and how much it is going to have to pay as fees under the Law is one that is worrying. We do not have very much indication but we know that this year Government is estimated to pay nearly \$7.5 million to the Health Services Authority. We also know that it will have to raise probably between another, I would think, \$3.5 million to \$4.5 million through fees.

When we look at the revenue which was received in 1990, we found that in 1990 the approved budget for the revenue, the approved receipts for hospital fees, were \$2.6 million but only \$1.2 million was the revised amount so it may have differed a little bit one way or another, a drop of over 50 per cent. It shows that the Member for Health has expectations and fees which are not there.

In 1991 the Estimates were only \$1.5 million. My question therefore, and we know what the expenditure was when it was run under the Hospital and I can assure you that it will not be any less, it will be considerably more this year, the total for medical services was approved in 1990 at \$9.6 million and was revised at \$10.7 million. So expenditure went up in 1990 by \$1 million and revenue came down by, I think, \$1.4 million. Further the Estimates for 1991 were \$10.3 million. Obviously the Estimates are low because if the expenditure for the year before in 1990 was revised to \$10.7 million then it seems to me impossible since salaries have increased, the cost of everything has increased and presumably they are still giving the same service that the Estimates in 1991 are going to be \$10.3 million. So I guess what I am saying is that somebody is going to have to pay for the shortfall of running the Health Services Authority and that is before the cost of the new Hospital kicks in. So we are not looking at any figures here that in my view are realistic. I think that the Government is going to have to subsidise the Health Services Authority this year by a few million more than the \$7.5 million that it is transferring to it.

I do not see, despite what I understood to be the situation, where one good day Government's contribution of \$7 million is not going to get more, it is going to get less and perhaps one day disappear because the Health Services Authority is going to become totally, financially independent. I do not see how that is going to arise when we know that, I think it is some 50-odd per cent of the people who went to the Hospital before this got the services free. They were either civil servants or people who

could not afford it, or pensioners, or whatever. Somewhere along the line....

**POINT OF ORDER**  
(Relevance)

**HON. BENSON O. EBANKS:** Madam Speaker, on a Point of Order. Could I enquire what relevance the Member's diatribe has to do with this Bill? I am questioning the relevancy of the Member's submission to the Bill before us.

**MADAM SPEAKER:** The Point of Order is taken. I think the Member would really have to continue to be relevant to the merits and principles of this Health Insurance Bill, please.

**MR. TRUMAN M. BODDEN:** Madam Speaker, the relevance is very clear. This Bill is going to raise money and it authorises that Government is going to pay the Authority money. I am dealing with how much money Government is going to have to pay. If the Member reads section 19, let me read it again for his benefit, it says:

"19. Where, in accordance with regulations made under section 15(1) of the Health Services Authority Law, 1991, the Authority provides a health care benefit to a person free of charge, the Government shall pay to the Authority an amount equal to the fee the Authority would have been entitled to charge had that person not been entitled to the benefit free of charge."

and I am dealing with how much Government is going to have to pay to the Health Services Authority under it.

**MADAM SPEAKER:** Well, I think the point is that this is all an assumption at the moment. There is not anything that you can say definitely would be figures that will be coming forth.

**MR. TRUMAN M. BODDEN:** Madam Speaker, when this is through, assumption or not, this Government is stuck with it. It is a mandatory provision and surely I have a right to debate how much Government has to pay because it says "Government shall pay" that amount.

**MADAM SPEAKER:** But the amount is not fixed, Honourable Member, so....

**MR. TRUMAN M. BODDEN:** Therein lies the biggest danger.

**MADAM SPEAKER:** Well, would you continue then? The Member can answer afterwards.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. The danger in this is that this Legislative Assembly is sitting here and passing skeleton legislation which is binding this Government mandatorily to pay a fee that the Health Services Authority is going to set. Whether we like it or not....

**HON. BENSON O. EBANKS:** On a Point of Order, Madam Speaker. The Member is totally off base. The charge referred to there can only be the fee which this Legislative Assembly has already approved - a scale of fees - and no charge can be outside of that scale of fees and be demanded to be paid by Government.

**MR. TRUMAN M. BODDEN:** Madam Speaker, if the Member gets up to give any further explanation, I am not giving way. It is a fact that this amount is going to have to be mandatorily paid by Government and it is going to come out of the pockets of the people of this country. It is unrealistic to sit here and pass legislation and not take into account what the impact of the legislation is going to be.

It is quite obvious to me that what is going to happen is that while the speakers who have spoken agree on the principle of good health care insurance, the public needs to understand that it has to be paid for from somewhere and it is going to come either in the form of premiums or from contributions of Government, which is, indirectly, all of the people, one way or another. There is no other way the Member can show me how he is going to deal with this if Government is not going to pick up the substantial part of the cost of the insurance. If, and he need not insure persons who are receiving insurance free, fair enough, but it has to be paid for by Government to the Health Care Insurance Commission.

It is around this that I believe the Government is being totally unrealistic. It is all well and good to come here and say that insurance is going to cost \$44.57 a month, if I could stand here and honestly believe that it would be a different thing. I doubt if anybody in this country believes that you are going to be able to provide insurance for \$44 a month. It is in my view unrealistic and this is why I am saying what would be good to be done with this Bill is if it can go into a Select Committee where perhaps insurers can be called in and asked how much can they provide this health care insurance for, and where sections of the Bill can be looked at in detail. I see danger in what the Bill does not say, the details which do not exist in it. I see danger with us being unrealistic on the cost of it. If we agree in putting in the insurance then I think we have to level with the public on what the realistic cost of it is going to be.

I really believe that since the Member is not going to bring this in on penalties anyhow until some 12 months or so down the line, that we should not rush this through the Legislative Assembly at this stage. I support the Third Elected Member for West Bay when he suggests that it should go into a



Select Committee to be studied in depth because it is just not good enough to know that a Bill as important as this and which we support in principle, is going to run a risk of being bogged down in controversy around areas which, in a Select Committee, could be looked at realistically. And in my view, the Bill and the Regulations would be a lot better should they go into a Select Committee because something this major and with this amount of obvious expertise needed on it cannot be dealt with simply on the Floor of this House in a general debate.

We know that this has its basis in the Bermuda health insurance system and the assessor on this, actually, I understand, was the advisor from there. We also cannot shut our eyes to the fact that Bermuda has imposed a four per cent income tax to make up the cost of what Government has to contribute for payment under laws similar to this. Even more than that, they have doubled in many instances the fees at the Hospital when foreign persons, non-Bermudians use it. So they are picking up extra fees again over and above this. It seems to me that we should not go into this and take the approach that what they are doing in Bermuda on a similar basis is not going to happen to here. If the Law is similar I believe that we will hit similar problems. I do not believe that any Government would, and not especially the Bermudian Government, would impose such a heavy amount on the Bermudian people if it was not necessary for them to do so.

The Member has given his assurance and his guarantee, and I assume he speaks on behalf of the Government, that they can do this without imposing this. Naturally, I would never support a direct income tax in this country but we cannot sit back and be unrealistic. This is all that I am saying to the Member. For once he has the support of the House on a very important issue and it seems to me that with the problems that could arise, it would be better to put it to a Select Committee and have it thrashed out. The Select Committee could sit in public as there is nothing wrong with it doing that. They could take evidence from doctors, the insurance people, from the public generally and from associations who may wish to make comments and have it properly recorded.

While he has stated that this has been out for a while and I admit he has given the public a lot of time, we do not really have before us any written matters showing what the public has said and what evidence as such has been written down on what the input was. So with public meetings which are really not very well attended as we know - and it is not just the Member's meetings on this which are not well attended, generally the public meetings are not well attended on things such as this - really when the submissions of different people, insurers and doctors could be taken and questions put them, and they put questions to all of us, I believe that is the proper way to go.

Madam Speaker, I have raised my three major areas of concern on this Bill. I am going to support the Bill but I have had to be realistic on what the impact of it is going to be. I believe that Caymanians are entitled to good health care insurance. As the previous speakers have mentioned, those who can pay for it should pay for it. I fully agree with that principle. I also believe that care has to be taken when dealing with legislation such as this as it is going to have such a wide and heavy impact in the future on the people of these Islands. My request to the Member, and I commend him on putting forward this Bill, is that it seems to me to be only right and good that he take this and put it into a Select Committee which could sit fairly quickly as we do not need to drag it out, and look at it in some depth before it actually is passed by this Honourable House.

So in conclusion, I support the Bill. I support the principle of insurance. I am merely saying that sections of this are, in my view, unrealistic and they should be looked more carefully. Thank you.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 11:32 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:53 A.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on the Second Reading of the Health Insurance Bill. The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. The Bill before this House, a Bill for a Law Relating to the Provision of Health Care Insurance, is, in my opinion, the most profound and far-reaching Bill ever to come before this House. I say that because this Bill is designed to touch the life of every single citizen directly. I say directly because for each of us, as citizens in this country, man, woman, and child, there is the question of health care.

There are, increasingly in this world of ours, many diseases. Although medical science has gone as far as finding remedies or cures for some diseases, it would seem that as they find cures for some, others develop so as to challenge them. How well a country takes care of the health care needs of its citizens says a lot about a country in my opinion. I think the Cayman Islands has done more than most countries in the world in providing health care services for its citizens in the respect that this country offers every citizen health care services even when they cannot afford it. If a person is ill and goes to the Government Hospital, that being the only hospital in this country, they are attended to whether or not they have the money. Government, in some instances, is able to recover from the persons some of the cost but in others this is not the case. So if one really examines what the Cayman Islands has done in terms of providing health care, I believe it rates as one of the highest in the world.

What the Cayman Islands does not have is a system of insurance for paying for health care. There are a number of insurance companies, branches of large insurance companies from the industrialised world which have representation here but there is not a general and national system for the paying of health care services.

From the latter part of last year there was considerable concern about health care. We heard that the United States in particular was looking after its health care system, as were Canada and France. These countries are trying to arrive at what would be the best health care system they could provide. Personally, I do not really believe there is a perfect health care scheme and what works in one country may not work in another. So if we are to find one which works in the Cayman Islands, I think we need to look at the basic principles which surround health care insurance and choose some of them from wherever, and try to adapt them as best we can to our particular local need.

Most of us will know that a major campaign issue right now in the United States is the question of health care. We also know that there are many Caymanians who believe that if they become sick the only place they should go to be attended to is the United States. That being the case, it would seem only reasonable and of sound logic if Caymanians then looked to themselves or within the country to providing a health care insurance scheme which could meet their needs both here and there when it is necessary.

This proposed Bill seeks to make it mandatory for every single person in this country, including people who are non-Caymanian, to be covered by a health care scheme. It is total and comprehensive and excludes no one. Therefore, it is most drastic and revolutionary in itself. This Bill is creating a captive market for insurance companies in this country in the area of health care insurance. It is, beyond a doubt in my mind, the most profound Bill in terms of what it seeks to do and will do if it is passed. To implement this system which is proposed, the Bill seeks to create a Health Care Insurance Commission which would be made up of not more than six people nor less than four. One person is named for the Commission and that is the Superintendent of Insurance for this country. He would be the Chairman. It also says that there should at least be a lawyer on it who has had at least five years of legal experience.

This Commission, from what I read and understand, will be the body to which insurance companies which operate in this country at present would apply to be licensed, or to be approved to sell what is commonly termed as the "basic package". It is my understanding that this concept of a "basic package" has been derived from what the Government has set down as services which are available through the Government Hospital which is now vested in the Health Services Authority.

In Supplement No. 1 Published with Extraordinary Gazette dated 31st, December, 1991, the Health Services Authority (Fees) Regulation, 1991, was published. In this Schedule there are numerous fees that are set down here. There are 59 sections altogether and under those sections are the fees in which some 30 fees are prescribed. So there are numerous fees here. I gather that the basic plan concept identifies certain illnesses and services which are provided by the Hospital plus the fees which are set down as the cost for providing these services. Madam Speaker, if I am clear on that particular part, and I think I am, then we can look a bit further at how the Commission will be functioning. I have some concern about section 7 in the Bill where it reads: "7. The Member may, after consulting the Commission, give the Commission general directions as to the exercise and performance of its functions if it appears to the Member necessary to do so in the public interest."

I can see where the Member, be it whichever Member, would, through Executive Council, arrive at certain national policy decisions regarding health care services. I could see where the Member would want to convey this to a body called the Health Services Commission. But I do have some degree of concern about the Member directing the function of the Commission. I would prefer to visualise the Commission as having greater autonomy within the Regulations of this Law and within the Law itself so that its detailed function was not necessarily directed by the Member for Health. I think that is something which needs some explanation in the House. Certainly I would like to see or hear some explanation on how it is visualised that that particular part of this Law would function.

In presenting the Bill, the Member for Health told the House that he had an actuary study the data available for the Hospital and for arriving at a premium for each individual who would be paying the proposed national health care insurance. The figure which the actuary came up with was \$44.57. I cannot stand here and say that this is not a correct figure. I would have, in fact, to believe the person and I did have the opportunity to see some of his credentials. He is a person well qualified in arriving at what the figure of the monthly premium should be.

If we break it down, an individual in this country would be able to buy a package of insurance for \$11 a week. I think we would have to look far and hard to find a figure which would be lower in most any country or jurisdiction. So if that is the correct figure and it can be paid for that, what the public would be looking at is paying approximately \$11 a week for insurance. The Member said included in that was a 15 per cent fee to the insurance company representing their administrative fee or profit. I am not quite certain as to how it is all broken down but he should be able to speak to that.

My understanding also is that the people in the Cayman Islands, both Caymanians and non-Caymanians, when this Law comes into effect would pay 50 per cent of this fee and their employer would pay the other 50 per cent. So each month an employee would pay \$22 and the employer would pay \$22. Where the spouse of an employed person was not working, the employed person would have to pay 100 per cent for his/her spouse. I think that is reasonable because if it was otherwise, the employer would be contributing towards a cost for an unemployed person who would not be offering any service towards the employer in providing labour or anything else. It is also my understanding that this figure would include the air ambulance which again, I think is excellent. If a person has to be taken out by air ambulance for tertiary care in the United States, for example, that person on producing their insurance card, under the basic package the insurance would have factored in there the cost of paying for that air ambulance.

Since the time that there has been discussion of this Bill I have been an advocate of any national insurance scheme containing an element which would pay for out-patient fees, the simple reason being I believe that most Caymanians who go for health care services are not admitted to

Hospital, they can be treated as an out-patient. There is, according to the Member, a fee of \$25 for out-patient visits covered there. It does not exclude, I understand, a person from going to their own private physician instead of going to the Government Hospital. If they did and their private physician, say, was charging \$40 for his consultation fee, he would only expect to receive from the insurance \$25 and the patient would have to pay the difference. Again, I think that is reasonable because there has to be some ceiling set within which the insurance company could operate. Altogether what I understand is that what the Bill envisages and is attempting to do would give portability under the scheme. In other words, that insurance would pay and the basic package would indeed cover the fees which are charged at the Government Hospital in whatever area and the package would pay the same amount of fees if a person went to Miami or wherever else. It would not pay more than what is paid in the basic package.

Certainly I am not one who would believe that even if this fee of \$44.57 is found acceptable to all insurance companies that that fee will not increase. The only thing in this life which seems to go down now is life itself, nothing else does. So I do not think it would be right for anyone to give the impression that that fee would not increase given time down the road. Insurance companies would want to continue their profits, and the cost for delivering health care would increase, so what might start out at \$44 would most surely increase as time went by.

Again, I would not want to be irresponsible enough to say that the implementation of this Law will not cause an inflationary effect in this country. It has to, for if an employer is directly going to add cost to what he is already paying for employee in wages, then automatically it has to happen. So I do not think that it would be truthful for anyone to attempt to say that it will not cost and not cause inflation. It will produce more cost to the employer and it will, in addition, produce more cost to the employee. What I do say, however, is that every Caymanian in this country in their common sense and there is a lot of it, ought to be able to reason that it has to be better for them to pay a fee of \$44 a month, or \$22 with their employer paying \$22 each month, so that the day he, his wife, or children become ill they simply go to the Hospital with a card which has their name and their particulars on it and handed it in at that desk and their part of it is finished. The insurance would step in and take care of the high cost which they would directly be paying and having to find on the day or at the time they became ill.

Therein, I believe, lies the good of what a national health insurance scheme can provide. No one wishes to become sick and it seems, particularly nowadays, that people who look to be the picture of health suddenly become ill and it is at the time when their finances are often at their lowest. But so long as that person has been paying their \$22 a month, when they become ill they will be covered. That is the whole significance, I believe, of what good can come from this insurance.

At this time Government pays large amounts of money, millions of dollars, to provide free health care for certain categories of people. It is my understanding that Government will continue to pay the fees for these categories of people. In the Health Services Authority (Fees) Regulations that I referred to earlier, it sets down who is eligible for free treatment. Again, if this is going to change I would hope that the Member would certainly tell this House.

I would like to read what is set down there as persons who are eligible for free treatment. Section 9 reads:

"9. No fees are payable by a patient at a health care facility if the patient presents a card issued by the Authority identifying the patient to be -

- (a) a public officer or the spouse or a dependant of a public officer (to the extent provided in the terms of employment of the public officer); or
- (b) a member of the Veterans Association of the Cayman Islands or the spouse of such a member; or
- (c) a member of the Veteran and Seaman's Association of Cayman Brac or the spouse of such a member; or
- (d) a person receiving a pension from the Government or the spouse of such a person; or
- (e) a serving member of the Legislative Assembly or the spouse of such a member; or
- (f) a patient who is being investigated or treated for AIDS, tuberculosis or malaria if so certified by the Medical Officer of Health."

There ends the six categories of people whom, it is my understanding, will not be subject to pay fees as the Government will pay these fees. I think it is understandable in the last instance where the Government will pay the fees for persons being treated for AIDS, tuberculosis or malaria because at least two of these are highly contagious. They say AIDS is not but different people have different ideas about just how contagious it is. What we do know is that those diseases named there can be devastating and in fact, have been and are being.

It is also my understanding that once this scheme is in place, people will no longer have to dig into their pockets to pay as they presently do. The insurance company, for all practical purposes, will become themselves. The insurance companies will pay those fees which are payable to the Hospital and will pay those fees which are payable to the doctor.

I understand that the concept which is being put forward by the Member and which would be provided under the scheme would be that of group health insurance. Because it is group health insurance therein lies the reason why the cost can be held down. I have heard this explained by at least two people who are very well versed and have considerable experience in health care insurance and there is no doubt in my mind through hearing the explanations, that the idea of group health insurance is something to be favoured. As far as I can understand it is the only means by which health care premium costs are held down.

The insurance, as I have said, is one which provides for basic needs, basic services, as are offered by the Government Hospital come at this time under the Health Authority. It is my understanding that simply because a person has the basic package it does not mean that the person has to have that alone. Every person will have the right to buy supplementary coverage from the same insurance company which could cover over and beyond what the basic package will provide. In fact, I think that should be a motivating factor for insurance companies who participate in this particular programme for they will know what profit they want to make, they will, after a while, be able to see what incidence of disease there is in the particular areas and know how to offer a package, including the basic package, but going over and beyond that to people who want to insure.

If I may be presumptuous enough to suggest one of the things which the insurance companies may look at in terms of enhancing their profits, I would suggest that in their schemes they provide for persons to have a complete, annual medical examination for there it could be identified if a person was showing signs of contracting an ailment or if something needed to be done it could be corrected straightaway, and that would limit costs at a later date. Many, if not all, health insurance policies do not provide for the annual medical check-up. I think it would be something which insurance companies could seriously look at, at least for providing in the Cayman Islands.

I trust that the insurance companies which would get in on this scheme would look at the Cayman Islands in itself and not try to attach costs to us that would reflect in their parent company operating in one of the industrialised countries. So I would simply put that forward as an opinion of mine. This Bill, again, I must say will impact the most directly I believe of any Bill in this country. If this is passed it will usher in a completely new social element into this society, so it should not be down-played as to its significance on life in the Cayman Islands. It will cost but I believe firmly that the costs which this will incur will be to the betterment of all of the people of this country, both the indigenous population and for those who are living and working in our country.

I can find no reason whatsoever not to support the concept and what is being attempted here to bring about some guarantee of the provision of health care services for all Caymanians, and as such I give this Bill my full support. Thank you.

**MADAM SPEAKER:**

The Honourable Elected Member for Education.

**HON. BENSON O. EBANKS:**

Thank you, Madam Speaker. It goes without saying that I support the Bill now before the House, a Bill for a Law Relating to the Provision of Health Care Insurance. I had intended to say that this is probably my happiest occasion in respect of any Bill to come before the House. Unfortunately, this moment of happiness has been somewhat tarnished by utterances I have heard in the forked-tongue going before and especially the outburst of verbal diarrhea from the Third Elected Member for George Town.

Madam Speaker...

**MADAM SPEAKER:**

Honourable Member, I wish you would refrain from using some of the expressions which you are using, particularly the last one. I do not consider that a suitable parliamentary phrase.

**HON. BENSON O. EBANKS:**

Madam Speaker, if that phrase is unparliamentary, I apologise. Nevertheless, I am sure it gives my feeling but I withdraw that particular phrase.

Now much of the Third Elected Member for George Town's objection seems to have been targeted against and related to the personality of the present Member for Health. Surely that Member knows that we do not draft and legislate Laws based on the personality of any particular person. Laws are, hopefully, legislated for posterity with of course amendments as may be necessary through the passage of time but personalities are left out of legislation.

I am somewhat overcome by the exuberance of the Third Elected Member for George Town about consultation and democratic process; a recently found virtue by that Member as far as I can see. Certainly the history of his stewardship during the time he was a Member of Executive Council does not bear that out. Be that as it may, surely the requirement of the Member by section 7 to have discussion with the Commission and then if he considers it necessary to give general directions to the Commission, can only be exactly what it says.

The Third Elected Member for George Town seemed to imply that consultation should mean that one follows slavishly the advice which emanates from that consultation. That is a fallacy. Any Member who seeks advice and consults with anybody or any group can only be expected to do just that. The final decision must be that of the Member. That is the whole basis of Government. The buck stops with the Member. If he accepts wrong advice he is going to be held accountable for it. He can only be held accountable for a decision he makes in his best judgement and if he is wise, always after having sought other opinions.

Now the Third Elected Member for George Town also said that

the \$44.57 premium as mentioned in this Bill is what the Member has stated that he is going to put as the premium. I am sure that that Member has understood that that \$44.57 is not a figment of the imagination of the Member for Health, nor is it his own computation. That figure is a figure which has been actuarially assessed by a qualified actuary employed for the purpose. It is totally irresponsible, in my opinion, for anyone who is not trained in actuarial science to come in here and suggest that that figure is unrealistic. It is only a very reckless person who would make such a suggestion. The figure has been actuarially assessed.

What is more important is that this Law is not forcing any company to carry this insurance. So the question of whether the premium is realistic or not is academic. If the premium has been badly or wrongly calculated then no insurance company, in its right mind, will underwrite the insurance so it would mean going back to the drawing board. But to come in here and suggest that the figure is wrong, is, in my opinion, totally rash. Certainly this is not the first exercise that this actuary has undertaken. The person is well qualified and experienced. Therefore, I have no problem with that. The fact that this premium is considerably less than what the Caymanian public is being asked to pay at the moment should be lauded by Members. This is a savings to the average person if they were now carrying medical insurance.

Instead of that, if I understand the Third Elected Member for George Town, he is saying that Government should not be setting the figure, that it should be left to the market forces. This is the same Member, with his cohorts, who comes up here bleeding crocodile tears claiming to have the interest of the little man at heart when it comes to reducing the cost of living for them. It is laudable that Government has been able to suggest insurance coverage which is being offered at so realistic and reasonable a rate.

Now somehow the Third Elected Member for George Town seemed to find it convenient to tie section 19 of this Law in with the cost of operating the Hospital. What section 19 of this Law says is:

"19. Where, in accordance with regulations made under section 15(1) of the Health Services Authority Law, 1991, the Authority provides a health care benefit to a person free of charge, the Government shall pay to the Authority an amount equal to the fee the Authority would have been entitled to charge had that person not been entitled to the benefit free of charge."

What that is saying is that where the Authority is required to treat an indigent person, a civil servant, or pensioner, as was enumerated before, they are entitled to payment from Government at the rate set by the fees, not some nebulous amount of millions of dollars as he was trying to say. Those fees are set by this Legislative Assembly not by the Authority out in left field. Government has not assumed any greater responsibility for health care under the Regulations referred to than it does at the moment. What the insurance allows Government to do is to make a decision whether it will in fact, insure those risks under a policy or continue to pay for them as and when they occur, as it does now. But it does not increase Government's responsibility for providing health care to those persons. The Member knows better.

How the revenue of the Health Authority in 1991 could be muddled with this Bill is beyond me but since he introduced the fact that the revised revenue figure for the Health Authority for 1991 was less than what was estimated, I think he should be told that that occurred because when the Estimates were being prepared for 1991 there was a decision made that Government would run a pilot project to establish the certain cost of providing these services which it does. That revenue was calculated into receipts. There would have been a corresponding expenditure on the other side so it would not have meant any difference to the Government but it would have proved beyond a doubt the revenue prospects to the Authority from that source.

The unfortunate thing is that between Personnel and the Finance Department they did not, in fact, get that going so that it could be tested in 1991. That was why the figure was considerably different than projected. That explanation was, in fact, given when the 1992 Budget was being discussed. So that is not news. They knew! Madam Speaker, I am not going to get into too many of the technicalities of the Bill. I merely want to say that I will not support this Bill going to any Select Committee. The Honourable Member for Health circulated this Bill over three months ago, maybe more. If Members were diligent they should have sought input from their constituents and given the Member the input that he asked for. The worn-out charge used particularly by the Third Elected Member for George Town about rushing this legislation through the Assembly does not hold water. This Bill was out there for months and months. The Member had extensive consultation with the industry, with the medical profession and everybody else, and this issue of a Select Committee is only another attempt to prevent this legislation from becoming implemented. They do not want it to be said that this legislation was implemented by this Government. These are the people who get up here and talk about their care and concern for the people of this country.

As I said in the beginning, this is a happy moment for me and I trust that the legislation will go through because I believe that the security to the average Caymanian of knowing that should they become seriously ill that they have insurance to cover the cost of that illness. To have the wherewithal to get them well is bound to be a big relief from worry to Caymanians. It is well established that stress and worry are among the most prevalent and serious causes of medical problems. From this point of view, I believe that because this insurance coverage is to be introduced, the production of workers will rise. Any minimal cost to employer and employee by introducing this will be offset by increased productivity, by less frequent illnesses and by improved peace of mind.

I support this Bill totally.

**MADAM SPEAKER:**

Proceedings will be suspended until 2:15 p.m.

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

## HOUSE RESUMED AT 2:18 P.M.

**MADAM SPEAKER:**  
Insurance Bill, 1992.

Please be seated. Debate continues on the Health Care

Mover if he would exercise his right of reply.

If no other Member wishes to debate I will ask the Honourable

**HON. D. EZZARD MILLER:**

Yes, Madam Speaker. First of all, let me thank all of the Members for their support, however feeble or varying that support might have been on this Bill to establish a Law relating to the provision of health care insurance.

Now while most Members speaking said they supported the Bill in principle, several Members had some concerns which they wanted addressed. Permit me to attempt to address some of those concerns. Several Members expressed concern at the reduction in the volume of words in the Bill which is before this Parliament. One Member in particular, the Third Elected Member for George Town, sought to make some unwarranted implications into that fact. The truth is that the Bill which is presently before this House varies very little in principle and provision from that which was circulated in early October, 1991. What it does represent is a significant difference in drafting style.

While it is true to say that the Bill before the House is a considerable reduction in volume, as an example, under the second draft which was circulated, that draft Bill devoted some seven pages to establishing the Health Insurance Commission, whereas this Bill deals with it in less than one page. Everything of principle was covered in those seven pages and the Commission can do exactly what it could have done in those seven pages under the two clauses which it represents in this Bill. Anything that it needs to be able to do to function is represented here.

Another example is the way penalties are spelled out in the Bill. Again, there is a reduction in the way it is presented and the number of words used. Anytime I find a lawyer who is prepared to use less words, that is my kind of lawyer. We all know that lawyers earn their keep by putting various and differing meanings to the same word. As an example, under the voluntary health insurance scheme it says: "Any insurer who offers to the public a contract of health care insurance in contravention of the provisions of subsection (2) shall be liable on summary conviction to a fine not exceeding five thousand dollars." The new draft simply says: "Penalty: \$5,000."

I am not a legal person but I have the assurances of the draftsman and the Attorney General that it does the same thing that all of those convoluted words said. Therein lies the reason for the greatest reduction in the volume of words in the Bill. In fact, the Bill adds a few more principles and provisions to what was circulated in the second draft, which I will get to later on, because of input which I received which the Third Elected Member for George Town likes to tell everybody I do not listen to. I could surprise him by reading a letter I have just gotten from the Chamber of Commerce but I will leave him to wonder just what it says.

Several people question the provisions of section 8 of the Bill. I think section 8 is a very important section of the Bill and must remain there. Several Members talked about the Bermuda experience and how that was handled. This Government has made it a point in all forums in dealing with this Legislation, and while we did use the Bermuda legislation as a working document, their Law has been adapted, not adopted. There are few similarities between this Bill and the Bermuda legislation. What we have tried to do is to take from the Bermuda experience what has proven to work well, incorporate it into this legislation, eliminate what has not worked well in the Bermuda experience and try to replace it with something that has worked in the Cayman Islands.

Madam Speaker, the Third Elected Member for West Bay questioned whether the Commission should be allowed to set the premium. I would just like to point out to him that it is not the Commission which will set the premium, it is this Parliament which will set the premium by Regulation. The Commission will simply do the work necessary to have a consulting actuary deal with the industry and make a recommendation to Government as what the premium is but it has to be fixed by this Parliament, not the Commission. All of the Regulations for this Law are subject to the affirmative resolution of Parliament. The Law is quite clear.

Under section 22 of the Law which deals with Regulations and sets out the power under which the Governor has for Regulations, subsection (3) says: "22(3) The affirmative resolution procedure applies to regulations made under this Law." So all Regulations made under this Law will have to come here, a motion will have to be made by the Member who brings them that they be accepted by Parliament just like this Bill is being debated today. The opportunity will therefore be afforded to all Members to debate those Regulations and to vote yea or nay on the Bill.

Several Members speaking queried whether the Commission or the Government would have the support of the health insurance industry for this Bill. Again, I would like to refer to section 22 of the Law which again, is very specific. Section 22 says:

"22(1) Subject to subsection (2), the Governor may make regulations for the purpose of carrying this Law into effect and, without prejudice to the generality of the foregoing, regulations may -

- (a) prescribe the health care benefits to be covered by the standard health care insurance

contract;

- (b) prescribe the maximum premium that may be charged in respect of a person under a standard health care insurance contract;
- (c) Prescribe the terms and conditions of the standard health care insurance contract, including allowable exclusions and exceptions, provisions as to termination and cancellations, and automatic renewal;"

Subsection (2) says:

- "(2) The Governor has no power to make regulations for the purposes set out in subsection (1)(a), (b) or (c)... [Which are the sections I have just read which deal with the premium, standard benefits and the terms and conditions of the contract. What the Law says is that the Governor has no power to make Regulations under those three subsections, that is, any Regulation concerned with premium, standard contract, or the standard basic benefit.] ...unless he has sought the views of -
- (a) the Commission, and
- (b) such people as he reasonably considers represent the insurance industry providing health care insurance on the Islands."

Now we cannot go any further than that. So this Law ensures, in spite of the rhetoric of the Third Elected Member for George Town, that the health insurance industry has to be consulted on the premium. I am going to demonstrate to him that we have consulted them on the \$44.57 and that it is not as unrealistic as he would have Members believe.

Of course, now if the industry hears him and comes back next week to say they want to charge \$65, you will hear that is my fault, when he is the one getting up here on the Floor of the Assembly and telling them that they should be asking for more from those same little people who he purports to represent. That is the kind of representation that he is giving them.

I have never told anyone, in any forum whatsoever, that hospital fees would never, ever have to be raised in this country, or that the health insurance premium was going to be carved in stone and could never, ever be changed. Obviously, both of those will have to change in the future unless the Third Elected Member for George Town becomes the Member for Health, because he will leave it for another eight years and not touch it. As long as he is in here he does not have the ability to stand up to the public and say, "This is what it costs. This is what you should be paying." He takes the popular political position and keeps it artificially low and all of the rich people paying the same subsidised rate that all of the poor people are paying. He is quite comfortable with that. I am not.

We operate, as they like to tell me, under the Financial and Stores Regulations which say Government must charge the cost of the services it provides. But they only like to read section 8 in that about tendering. That is a new found liberty of his too. If he has to sit on the Backbench for another seven or eight years he is going to learn a lot from over there, especially while a Government such as this one is in place and does things properly, and takes things to the people to discuss them.

Now several of them talk about public input. We know of all the Bills before this Parliament, when it comes to input on this Bill, they should have let that slide because in moving the Bill I said nothing about their inactivity. Now they get up here and want to chastise me about how my personality does not allow people to give me input because I ignore them. You know, I have never heard anybody call the Third Elected Member for George Town, Prince Charming. My personality is not perfect but he has a few warts on his too. The Civil Service remembers his reign and I have it in black and white to prove it. They claim we did not consult the public. Let us look a little bit at the process that this Bill went through.

In June 1991, I was chastised by that same Backbench group that they call themselves for not bringing it and I was questioned about when it was going to be brought. I told them in this sitting and it is here. We set up a small committee to deal with this item of business in June 1991. The committee met, and let me pause to publicly thank the members of that committee including the Second Elected Member for Cayman Brac for the amount of time they spent, free of cost, in discussing this national health insurance provision and coming up with the Bill which is before Parliament today.

On 22nd August, I mailed to each one of them a copy of the draft Bill and draft Regulations to respond to by 30th September, some six weeks. Up until today I have not heard anything. I got input, as I said, from the Second Elected Member for Cayman Brac as part of the committee. I got input from the First Elected Member for Cayman Brac. We have been in constant dialogue over the past four months about this item of business.

The committee re-drafted, with the help of the draftsmen, the Bill based on the representation we got at that time. In October, we sent out the second draft to them to be responded to by the end of November, I think it was. The Chamber of Commerce, as usual, wanted more time so on 12th November, I wrote another letter extending the time until 17th January and made a public press release. You know, in all of that time not a word. I never received anything from the first draft and never received anything from the second draft. Now they come here today to make the public believe that they have their interest at heart and want to send the Bill to a Select Committee to hold it up for another six months, when they had five long months to study

it, to talk to their constituents, and to talk to the industry. They talked to the industry. You heard them quoting what the industry told them but they did not see fit to inform me or any committee member.

Let me say now that I do not support sending this Bill to a Select Committee. It will solve nothing. It will do nothing but delay the benefits to the public of the Cayman Islands who need it. They are not genuinely interested in getting the best possible Law. They had five months to assist with that. They did absolutely nothing - zilch, zero. I spoke to several professional organisations. I made myself available to all organisations who wanted to know what we were doing. I explained the Bill to them. The Third Elected Member for George Town came to the presentation of the Chamber of Commerce and he asked me the same three questions he had asked me in South Sound the night before. I gave him the same answers but he never put any input into the Bill.

A couple of days ago he was over there with more paper around him trying to figure out what changes had been made. I helped him out. I went to my office and I got a list of the changes that had been made and I faxed it to his office. He never responded about any changes. Now he comes here today and wants to put it to a Select Committee. If you put it in a Select Committee this Government will not be able to deal with it and that is what he knows. We have Government Motion No.2/92 and while I am not going to anticipate any debate on it, this deals with nine Select Committees already established by Parliament which have to finish their business by the September session before the House is prorogued, and they want to add another one! I fell into that trap with the national pension legislation and I am probably not going to be able to get it completed in this term of office because I made the mistake of agreeing with some of them to send it to a Select Committee.

They know that. They are simply trying to deprive the public of this country of a benefit which it needs. But they are championing the cause of the public, the electorate who they claim they have already baffled into putting them in a position to form the next Government. They already have the votes all counted. On the stands they are good talkers. Oh, they can sing a sweet tune. Now I cannot sing. They make the public believe that they are going to do all kinds of good things for them. We had it a couple of days ago in the Drug Bill which they opposed.

We have the national health insurance before them today and they want to send it to a Select Committee so that it will come back sometime in 1995 or 1996. I would hazard a guess that if this Honourable House met in a Select Committee, every day from now until the House is prorogued at the end of September it could not finish the work of those nine committees much less add another to it. So their interest is not in getting the best possible Law. The sad part about that is that the Third Elected Member for George Town should be capable of contributing to getting the best possible Law because after all, he is a lawyer. He had the paperwork but that is not his concern. His concern is to stop this Member from doing anything good for the people of this country. Some things like this should be above petty politics.

The Third Elected Member for George Town and most of his other colleagues on the Backbench questioned how realistic the fixed premium was which I mentioned in my debate, which we have published, of \$44.57. This Member did not calculate that premium. We hired a consultant/actuary to calculate the premium. The Third Elected Member for George Town said that some insurance companies, he did not say that they were health insurance companies so maybe he is right, claim they did not have access to the same information this actuary had. I do not know which insurance company he is talking about but I can unequivocally state to this House that every health insurance company who wanted to meet privately could. The committee had a meeting with the actuary and all of the health insurance managers on the Island and I gave up my office for one whole day for that actuary to meet privately with the managers of the health insurance companies on this Island and their own privately hired actuaries who they flew in from the North American market or Barbados or wherever the head office was. The information he used is public knowledge. They all have access to it.

Do not tell me that he is saying that the insurance companies in this country have not been using local information to set their premiums but have been using, and he might be right because that has been a suspicion of mine, the North American market and its cost up there to set the premiums. This basic package which we are setting the price of should be set on local prices.

Let us review how the basic package is going to be priced. Listening to some of them you would believe that this whole thing is going to be done strictly on imagination. I can understand that coming from them because that is how they operate. This Member does not operate like that.

The standard package is spelled out. The prices at which each item of that basic package is delivered is set by this Parliament under the Health Services Authority Law not by Executive Council or anybody else but by this Parliament. Any changes in those prices have to be made by this Parliament. Of course, I can understand their lack of knowledge of that because again they take the party line; No. They all voted no against it and they probably did not read it. Somebody looked at it and said, "Ha! this comes from the Member for Health so the answer to this is, 'no'", and that is how they voted.

The consultant/actuary will then take the prices, which is a menu bill as each item is individually costed and priced accordingly, unlike the Bermuda experience which they like to fall back on. They are threatening people about introducing income tax because the only people you hear talking about introducing a health tax is one of the six of them. They are trying to blame it on me but they are the ones singing the song and playing the fiddle. I am the one who is not doing it. This Government has set the prices at the Hospital for what it costs to render the services. There is no subsidy involved for anybody. The Government caters to those who cannot pay the Bill by exempting them from the fees under the same Regulation which sets the fees. The carpenter who can afford to pay, pays the same rate as the bank manager who can afford to pay.

In the Bermuda situation their fees are subsidised for them. One fee includes a lot of things. There you go into the hospital it is \$475. If you use the operating theatre and other services it is included. You pay for it whether you use it or not. Here you go in and your room and board, and



nursing care is \$200. If you use the operating room, you pay for it. If you do not use it, you do not pay for it. If you go to the Intensive Care Unit, you pay for that service. If you do not go there, you do not pay for it. That is fairness and equality. We are not asking someone to pay for someone else. Under his administration when the fee was set at \$25, that is what they were doing. They were subsidising health care for the rich people because the poor man had to pay the \$25 and they never provided anything such as national health insurance to help him out. Now the bank manager pays his \$25 as does the carpenter.

When the actuary takes the menu of items prescribed under the basic package he knows what to tell him it is going to cost. He then looks at the frequency in which they are used, he uses the disease indices for the Island and he calculates a premium based on the population. This \$44 from 16,000 people on an annual basis represents some \$15 million in premiums, you know. It was not set in any arbitrary fashion.

First of all, we asked the actuary to price the basic package alone, which he did. In the first draft of the Bill which went out, we gave the insurance industry three options to deal with what I call, for the want of a better word because I am not an insurance person, the "uninsurables", the people who are high risk, who no one wants to insure. We told them we could set up a fund which they could manage jointly to cover it. They could allow a window of opportunity twice a year where whoever showed up at their door had to be insured irrespective of the medical condition. Or, they could count the number of uninsured people in the Island and divide it equally amongst them. The insurance industry opted for the fund to manage them to cover it.

When we set the premium for the basic package we added \$3 and some cents to that premium which will go into every insurance premium sold in this country after this Law becomes effective. That \$3 goes into that pool of funds which will assist the insurance companies in paying the cost of high risk care. Somebody who falls in that uninsurable category will simply pay the basic premium including the \$3 which will go to that fund to his insurance company and the insurance company will be able to claim the benefits that he gets from that fund.

We then said to them that this Government decided not to try and provide tertiary care in the Cayman Islands and that we have a contractual relationship with an institution which provides that so we have to cover the ambulance lift to that institution when necessary, and we have to cover hospitalisation in that jurisdiction. That was computed and added to the premium. Interestingly enough, the air ambulance component only added 26 cents to the premium because there are 16,000 people and we do very few air ambulance lifts.

What they do not understand is that national health insurance does not solve any managerial positions or problems in the Health Services, it simply spreads the risk of the cost and allows each person to pre-pay, a little at a time, to cover his care when he needs it. That is all that health insurance is going to do. We had him price the stay at the Hospital for the limit of 45 days and with no limit. The difference was 10 cents because there are so few people who exceed the 45-day limit out of that.

We then (as I told everyone) asked him to price the private visit consultation fee to any physician in the land at \$25. We had to control the price. You could never price a premium that is going to cater, with the varying cost which exists in the private sector, to doctors' visits. It ranges from \$25 to \$90 per visit and one of those who you see spouting his mouth off on television and in the press about how he can match the Health Services cost, is greater than double that \$25 but I will deal with him in another forum. That added some \$4 and change to the premium because there is no limit to the frequency per annum that you can go.

The total package came in at the reasonable sum of \$44.57. This was done by a fully qualified actuary who had, as a former Member of this House used to say, years, and years, and years of experience doing exactly what he is doing for us in another jurisdiction. Yes, in Bermuda. He knows what to look for and the companies, Mr. Third Elected Member for George Town, that he is dealing with in Cayman, who you claim do not have the information, are the same ones he is dealing with in Bermuda; it is just a different office. They have a manager down here and a manager up there. They do not have any problems with them up there and they do not have any problems with them here. So do not try to confuse the public's mind by saying that we do not know what we are doing. It was done properly. The man was fully qualified. I did not imagine it and he should not try to make the public believe that.

Now I can tell you that during his time in the office as Member for Health I was his employee for a number of years. He is talking about taking advice! I did my thesis on national health insurance and I tried for 18 months to get an appointment to see him and I have not gotten it yet. Every time I run into him he is either coming out of the elevator with four boxes of books or going into the elevator with 15 boxes of books!

**MADAM SPEAKER:**

Honourable Member, may we deal with the 1992 issue?

**HON. D. EZZARD MILLER:**

Yes, Madam. That is what we are dealing with because he claims he can get re-elected in 1992 and I just wanted the public to know who they are electing.

Now, Madam Speaker, unlike him, I did not sneak this premium into this Parliament. After the good gentleman (the actuary) had met with the industry and had calculated the premium, we also met with the industry representatives again and told them what we were going to recommend the premium to be, some four weeks ago. I have received no representation from any member of the health insurance industry saying that the premium is unrealistic. Do you really believe that if it was unrealistic they would not be squealing before now? The truth of the matter is, is that we have treated them well. We have allowed 15 per cent for their own profit and administrative costs in that \$44.57.

That same Member, the Third Elected Member for George

Town, said that I had removed the controversial sections of the Bill to make it smaller. You see, he is of that old drafting school where the more words there are in the Law, the more the lawyers have to argue about, and the more meanings you can put to it, the greater the fee because they charge you by the hour and then they charge you 25 cents for the photocopy or the paper they were reading from. I do not have a fault with that but no controversial issues have been removed from this Bill. I would like him to show me a section which was taken out of the Bill.

Unlike what he would try to put forward, we have added certain things. . . and I gave him a list, not in my handwriting because he might not be able to read it, but a typed copy of the list of changes and the things which were added, such as that section governing the Regulations to consult the insurance industry. We added another section to the Law to protect the insurance industry. In the second draft they could not cancel a premium if someone lied to them about certain information. This Law allows them to cancel a benefit if they were given incorrect information. He knows that. I gave him a typed copy.

You see, he wants to make the public believe that this Law is so bad that we need to take it to a Select Committee so he can fiddle with it and improve it. He had five months and he did nothing. He could not find anything wrong with it which he could improve. He had to come here and try to play politics with it by sending it to a Select Committee. This is not a skeleton Bill. It is all in here. He claims that I go out to get the public's opinion and if I do not get my way I get antagonistic. I have a very scientific method which I apply to any major decision I am going to make and it is called the "14 Step Hamilton Way." That includes taking input and compromise. When I come up with a decision based on input from the technicians in my Department and any consultants we might hire, as far as I am concerned, that is the best possible decision that I can make and I am prepared to take it to all corners of this land and defend it. Not to do what they do and make decisions and use their rule of thumb. They ask five people and whatever the fifth one says that is the one they go with. Whenever they cross the street they change their minds. Or, they make the decisions, as they did in his term in Executive Council, and they do not even consult their technicians in the Department.

He wrote the Pharmacy Law and I as his Chief Pharmacist could not get a copy of it from him. I had to get it from the pharmacist out in town. That is consultation? He made a big deal of section 7. This Law does not say that D. Ezzard Miller can issue instructions. Let me read what that section of the law says: "7. The Member", and Member is defined in the Law. "Member" means the Member responsible for health matters. I only have that authority as a Member of Executive Council charged with that responsibility. I, as the individual, cannot do anything. Obviously, I have to take things to Executive Council before I can issue instructions to any Board or Commission but that is a necessary section of the Law. But you see, if you look in all of the legislation I bring here, that section is in there. It puts accountability on the Member. If he gives instructions they have to be in writing and can be recalled at a later date if he abused those because the directions can be produced. They are not comfortable with that. If he gets over here, he is going to have to administer this Law or amend it and take that section out. They like to be able to issue these instructions with no accountability for them.

A good example of that is when in the future the Health Services Authority has to increase fees, it is reasonable for the Member to ask the Health Insurance Commission to review the premium and adjust it if it is necessary to match the fees. The two must go hand in hand. That is why I have written the legislation. This Government put the legislation forward which brings both of those fees into this Parliament. I, or any Member, can ask the Health Insurance Commission to review the premium based on these projected or proposed increases in prices at the Hospital so that the premium can be adjusted. It would be unfair to the health insurance industry to increase hospital fees and not allow an increase in the premium.

As for his big complaints about the section which says that health insurance companies have to be approved by the Health Insurance Commission in addition to their licence from the Department of Insurance, that is to ensure two things. We have not hidden this from the health insurance industry. It is to ensure that the health insurance company is prepared to sell the basic premium at or below the maximum price set and that the benefits will be assignable to the provider who provides the benefit.

Now you have seen in the press where the Cayman Islands Medical and Dental Society (CIMDS) asked for this to be done. That is why they cannot support the Law because that is not in the Law. There are none so blind as those who fail to see. That is reasonable. It is reasonable to expect me, as an individual, or any citizen or resident in this country to pay \$44.57 in premiums to an insurance company and when he goes to the Hospital he has to find the money in his pocket to pay for the services he gets and then go and claim it from the insurance company? If he can pay for it up front then he does not need insurance. I think that is a basic right to the person who has bought the benefit. He has pre-paid for the benefit. He should be able to go there, hand his card in, have it checked to make sure it is good and that is it, he is finished. The bill is sent to the insurance company. Is that an unreasonable expectation? No.

Now he went into a great diatribe about these people who get free care and who are covered under section 19 of this Bill. He opposed section 19 of the Bill. That is the section which facilitates all of those little people whom he represents, the indigents and all of those who were read out by the Second Elected Member for Cayman Brac, to get free care at the Hospital. What is he saying that we should not give them free care? He voted against the Health Services Regulation which gave it to them, you know. The *Hansards* will show that.

All that that clause does is give Government one additional option in this country if more than 100 people are employed. Under the Law any employer who employes more than 100 persons can apply to operate his own health insurance scheme and have it approved through the processes. The Government can take that option. Or, in certain other categories, children are a good example, who are not employees of the Government or unemployed spouses of Government employees, the Government can decide in its own right, with proper advice from its experts in their various departments, to not provide children with health insurance but to pay to the Health Authority the exact amount of the cost of the benefit that the children

get. So all that we are doing with that clause is ensuring that the Health Authority gets paid for its services rendered. That is nothing different from the Water Authority, the Port Authority, or the Civil Aviation Authority. Their Regulations do not exempt large categories of people whom the Government says must get water free, land their plane at the airport free, or bring their goods in through the dock free.

The Government in this country, over the years, has operated a system of health care based on user fees, granted, up until 1990 they were strictly political decisions. Then the Government decided in its own right to exempt certain categories of people from those fees. We are giving them the ultimate choice. The Government might decide to pay the \$44.57 in its own right. I will be part of that decision process but I will not be making the decision on my own. If that Member objects to that section of the Law, he is objecting to these various categories of people who are exempted from these fees being paid for them. I give him and the public the assurance that I will not support that. All that we are saying is that we have to stop fooling ourselves that there is a free lunch. I agree with him that somebody has to pay for it but if you follow his argument, he either believe that they should not get it or no one should pay for it.

Now he made some elaborate calculation that 50 per cent of all the people at the Hospital are supposed to be entitled to free service. But that is just a smoke cloud that he is spreading around over there trying to delay the Bill. It is his duty, if he felt there was something wrong with this Bill, having it for five months. I wrote him a letter asking him for his input as I did to all of them. Now they come here talking about sending it to a Select Committee to get public input. In June, then they will be chastising me for not passing the Law.

Several of them spoke of the increase in the cost of living because of this \$22 that the employer might have to pay. But I have no problem with the employer passing on his additional cost. I just hope, for the sake of the people of this country, that those employers who published letters in the paper saying that they are now paying \$100 on behalf of their employees, when they are only paying \$22 are going to lower their costs. But I will bet my dollars against your doughnuts that that is not going to happen because as the Second Elected Member for Cayman Brac said, this Law will allow the introduction of group health insurance which will spread the cost of the risk and lower the premiums. Madam Speaker, I have heard nothing during the debate which makes me believe those Members have anything to add in a Select Committee to improve this legislation. I have heard nothing from them which, in my opinion, would improve the piece of legislation before Parliament. I cannot support sending the Bill to a Select Committee. The Bill will go through the regular Committee stage.

Some Members questioned whether the Health Insurance Commission should be under my Portfolio or that of Finance. I would hasten to add that the Health Insurance Commission is going to be dealing a lot more with health care issues. The Health Services Authority for which Parliament sets the prices based on their recommendations, is within that Portfolio. We have put the Superintendent of Insurance, because of his particular expertise in the insurance industry, as the Chairperson of the Committee. That is why he is there, not because he is under the Department of Finance. I think he belongs where this Bill puts him. This Bill has been a long time in coming. This Bill has been before the public in various forms for some five months. I have spoken to the Water Sports Association, to the Hotel and Condominium Association, to the Chamber of Commerce and many, many individuals on a private basis about the provisions of this legislation. I have found no one out there with any serious resistance to this piece of legislation.

Changes have been made based on representations from various groups and individuals to improve the Bill. It is sad to say that the six Members of the Backbench did not see fit to contribute to that process. That is unfortunate because I think some of them could have added something to the process. But do not come at this late stage now and try to deprive the public for another six or eight months of a benefit that they can start to enjoy. Madam Speaker, my Portfolio sent out some 80 copies. We got back six representations. We can do no more than to provide the opportunity and the facility for the public to make input. The Third Elected Member for George Town, in his usual convoluted way, kind of questioned whether I was being entirely honest with this House, that I had the support of the industry. Let me read a few of the letters to that Member which came from the industry.

There is one from Brian F. Hogan, John Alden Life Insurance Company. "Further to our recent discussions, we have reviewed the proposed legislation for the Cayman Islands Health Insurance. I enclose an actuary and administrative assessment and our belief is that the plan is well conceived and feasible." He goes on to say:

"I believe the proposed legislation creates a modest plan providing reasonable benefits against catastrophic illness requiring hospitalisation. As well the mandatory requirement is the only way to solve the above-mentioned problems.

We have also reviewed this plan to determine the feasibility of developing administrative systems to provide you with the capacities to service the plan. The structure of the proposed plan lends itself to administrative efficiencies. There will be no difficulty in installing these systems for the implementation date."

Now, Madam Speaker, he would have you believe that whoever he talked to is the only person who has any contact with the industry. I think it is safe to say that the industry will welcome this piece of legislation. In fact, some of them are enjoying the introduction of this legislation because they see the \$15 million in premiums out there and they are going out to collect them. What we as a Government have to ensure is that the public is going to get the benefits paid. That is what the Law is all about. I recommend the Bill to this Honourable House.

**MADAM SPEAKER:** The question before this House is that the Health Care Insurance Bill, 1992 be given a Second Reading. I shall put the question.

**QUESTION PUT: AGREED. THE HEALTH CARE INSURANCE BILL, 1992, GIVEN A SECOND READING.**

**MADAM SPEAKER:** We will continue with Second Readings of Bills.

**THE GUARDIANSHIP AND CUSTODY OF CHILDREN (AMENDMENT) BILL, 1992**

**CLERK:** The Guardianship and Custody of Children (Amendment) Bill, 1992.

**HON. D. EZZARD MILLER:** Madam Speaker, I beg to move the Second Reading of a Bill entitled a Bill to Amend the Guardianship and Custody of Children Law (Revised).

**MADAM SPEAKER:** Would you speak to the Bill, Honourable Member?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker. This short Bill seeks to make certain amendments to the Guardianship and Custody Law to make it absolutely clear that references in this Law to a child includes an illegitimate child and this it does in section 2 of the amending Bill which redefines the word "child" as follows:- "child" means a person who has not attained the age of 18 years and includes an illegitimate child."

This amendment tries to put the Law back to how it has always been thought to be up until a recent case in the Court of Appeal where it was ruled that a punitive father who had been caring for his illegitimate child had no right to apply to the Court for custody or to appoint a guardian for the child. That is, the Court ruled it had no jurisdiction to entertain such an application. Parents had always thought, to refer to the Natural Parent and the Guardianship and Custody Laws as it stands at the moment, included an acknowledged father of an illegitimate child. If we left the Law as it has been interpreted in the most recent appeal case, an illegitimate child would have no father.

What this amending Bill will do is to give the father of an illegitimate child some rights in the decision of guardianship and custody of that child. That is what it tries to do. I recommend the Bill to this Honourable House.

**MADAM SPEAKER:** The question before the House is that a Bill entitled the Guardianship and Custody of Children (Amendment) Bill, 1992 be given a Second Reading. The motion is open for debate.

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. This amendment is very short but is obviously a very necessary one in the light of the decision of the Court of Appeal.

This Law is one which while it is not used very often, is quite important to the legal system. It is quite important to children. It will alleviate any doubt as to what the position is in relation to the rights relating to all children including the illegitimate child. So I support it. I think it is a good amendment and is timely. So I will, therefore, in those circumstances be supporting it.

Thank you.

**MADAM SPEAKER:** If there is no further debate, I would ask the Honourable Member if there is anything else he would like to wind up with?

**HON. D. EZZARD MILLER:** No, Madam Speaker. I am finally glad that I have drafted a Bill which the Third Elected Member for George Town cannot find any fault with. I thank him for his support and recommend the Bill to Parliament.

**MADAM SPEAKER:** The question before the House is that a Bill entitled the Guardianship and Custody of Children (Amendment) Bill, 1992 be given a Second Reading.

**QUESTION PUT: AGREED. THE GUARDIANSHIP AND CUSTODY OF CHILDREN (AMENDMENT) BILL, 1992, GIVEN A SECOND READING.**

**MADAM SPEAKER:** The House will be suspended for 15 minutes.

**AT 3:28 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 3:52 P.M.**

**MADAM SPEAKER:** Second Readings continue on Bills.

**THE LOAN (GEORGE TOWN HOSPITAL) (AMENDMENT) BILL, 1992**

**CLERK:** The Loan (George Town Hospital) (Amendment) Bill, 1992.

**HON. D. EZZARD MILLER:** Madam Speaker, I wish to move the Second Reading of a Bill for a Law to Amend the Loan (George Town Hospital) Law, 1990.

**MADAM SPEAKER:** Do you wish to speak to it, Honourable Member?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker. This Bill seeks to amend the Schedule to the Loan Law, 1990, by deleting the first seven items of the Schedule and replacing it with the following which is detailed in clause 2 of the Bill. Clause 2 of the Bill says the Schedule will be amended to read as follows:-

"1. The carrying out of improvements to the George Town Hospital necessary to maximize its future use, as identified by the Board of the Health Services Authority and approved by the Governor in Council."

What that would be replacing in the Schedule is the construction and equipment of a 12-bed surgical suite; the conversion of the present surgical ward to an intensive care unit; the provision of a trauma/minor operating room; the provision of a recovery area; the conversion of the present recovery area to an ambulatory recovery area and the necessary works to correct patient flow and other inadequacies in the present operating theatre; the provision of proper and adequate support services for the operating rooms, surgical ward and intensive care unit.

The Board of the Health Services Authority has identified a number of projects which it would like to spend the \$1 million which remains from this Loan Bill and is already in the 1992 Estimates, which were approved by this House last year. Some of those projects which the Board would like to spend this money on are as follows: A mental health, substance abuse and physiotherapy building; some improvements to the x-ray capabilities and capacity; some computerisation; some furniture and equipment; a new sewage treatment plan; some improvements to the laundry building.

Members will remember that in the Budget approved last year for 1992 they have included the fact that \$100,000 of this money was identified to be spent to assist in the purchasing of the land for the new road which will service the new Hospital and also all of the people who live in that area which is commonly referred to as the Old Dyke Road. In fact, the other items, 8, 9 and 10 of this Schedule, have already been completed. In fact, all of the architectural services and pricing of the first seven items in the Schedule have been done and the Quantity Surveyor has costed the plans at some \$1.8 million. In fact, some of the requirements of the Central Planning Authority in order to build those seven things, such as the surgical suite and other changes on the Hospital site, cannot be met because of restrictions on the present site in terms of set-backs and distances from things such as the liquid oxygen tank, and whatnot.

So what this Bill seeks to do is to give the Health Services Authority the freedom to spend this money on those projects which it sees are of the greatest need once those projects have been identified by them, costed and approved by Executive Council. Madam Speaker, I recommend the Bill to the Honourable House.

**MADAM SPEAKER:** The question is that a Bill entitled the Loan (George Town Hospital) (Amendment) Bill, 1992 be given a Second Reading. The motion is open for debate.

The Second Elected Member or Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Just a short while ago I supported fully the Bill brought by the Member for Health in which he has had passed now to bring about the national health insurance plan. As strongly, I oppose the request for a Bill for a Law to Amend the Loan (George Town Hospital) Law, 1990. In opposing this amendment I do so on the basis that two years ago this Bill was passed which permitted the Governor to borrow up to \$1.5 million to do certain work to the present George Town Hospital. The Member has identified some of the areas, one through seven, which were in the Schedule to that particular Bill.

I have believed for a long time that the present Hospital can serve us for some time yet and that steps should be taken to improve certain areas of it to a certain standard so that the physical plant can be in a position to better do the job for which it was intended. This was the understanding of this House as was presented by the Member in 1990. In fact, I recall that the Backbench on the whole, advocated that this be done. From way back then it was not accepted, at least by some of this House, that the Government should enter into a position of financial commitment to replace the present Hospital with a new one.

Important areas were identified in the Schedule, one being the construction of a 12-bed surgical suite. It was my understanding at the time that there was a serious shortage of beds and that those which existed in the surgical ward were inadequate in various ways. This money was necessary to bring about such an improvement in the Hospital in this area. It was my understanding that, if anything, elective surgery was on the rise and this was essential to be done. It was never the case that the Backbench at that time, including a Member who has since resigned, opposed having this work done. The main contention at the time was that the Bill, when it was presented, stated that it should not have been referred to the Finance Committee.

Another area that the House was made to understand where improvements could be made, was to convert the surgical ward at present to an intensive care unit. This, even now, I am led to believe, is still necessary and could improve the present Hospital facility. Obviously, a trauma and a minor operating room has not been built so I wonder what was the need then at that time to have this done? If

there was a need, as was stated, then it means that the Government has failed for two years to do anything about this particular situation. A recovery area was also identified as necessary and again, it must be the case that this was not done. So one can but assume that this is still lacking at the present Hospital where we may also assume that, if anything, there has been an increased number of cases which would need this particular facility.

The present recovery area was to have been converted to an ambulatory recovery area. I wonder if the Member has given up on doing the work which was necessary to correct patient flow and other inadequacies in the present operating theatres for these were specifically identified areas, through consultants, as needing attention and needing correction. That was my understanding of it. There was a study done on the Hospital at that time and I understood that these were project areas which were identified. That as an area would seem very important to me. Also the provision of proper and adequate support service areas for the operating rooms, surgical ward and the intensive care unit.

If these have not been done and they were necessary to be done two years ago, then it seems that the Hospital must be suffering from serious inadequacies in these areas. So at this time to change these needs which were identified and which have been lagging all of this time, I cannot possibly see how the Member would expect a reasonable House to support such a thing. What is being recommended is that these areas be replaced by - a general statement - "the carrying out of improvements to the George Town Hospital necessary to maximize its future use," and I am quoting from the Bill. I think that its past use needed to be enhanced and improved and its present use needs to be enhanced and improved. Certainly the idea or the suggestion that the present Hospital is to become a place, a very secondary place, to what is envisaged as a new hospital, I do not agree with.

In 1990, I did not agree with it but in these times, in this recession, now that the costs are more clearly identified and the demand on public revenue has grown, I believe it is even less advisable, taking into account the financial times. Another use for which the money is being sought is that of acquiring land to provide access to a new hospital to be built off of the Dyke Road. I do not think that the money that was approved, the \$1.5 million, should be used for building any new road to the site proposed because I think it would be unwisely spent.

In recent times the press and the local television programme has been carrying stories about the situation with the particular land in that area and various people are saying that the costs will be very high to develop that. Again, one would suppose that if roads are going to go in there, the roads will have to be of a standard and of a nature to provide for substantial traffic in the future and from what I can understand the fill alone will go into exceedingly large amounts of fill and money.

Madam Speaker, this situation is one where I think the Government has failed and the Member has failed to do what they should have done in the time since this was first given until now. I think it is largely due to the desire to build a new hospital since the time that the needs for the present Hospital were identified. I do not disagree that to build a wing onto the present Hospital for mental health would be a bad thing. By no means. I suggested that when I spoke on the Throne Speech a week or two ago. I think something should be done here in Grand Cayman and I think a wing, some room, or rooms should be built in Cayman Brac. I agree that we have a problem among our people with those who need mental care assistance.

So I do not have a problem with that but in these other areas for them to be ignored for the putting into place of a new road for a new hospital and for carrying out improvements on the present Hospital which are purely in connection with what is to be done in the future, I do not agree with that. We must deal with the situation here and now. When we reach the future and we are more clear of our present financial position in this country, then let us look at the situation of a new hospital.

Madam Speaker, I do not support this change and I think that the works which have been outstanding now for two years should be attended to instead of deploying the money as has been suggested in this amendment Bill.

Thank you.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I oppose this Law because I feel that it is giving the right for the Board of the Health Services Authority to write in whatever they wish for the purposes of spending this money.

In effect, this Legislature, if they approve this Bill is giving the Health Services Authority Board a blank cheque to walk out there with whatever remains out of this loan of \$1.5 million and do as they wish with it. That cannot be right.

Whether one sits in Government or on the Backbench, whenever we pass and approve money in this House or in Finance Committee, it has been for specific purposes. This is the reason why we have had before this funds earmarked specifically for the seven matters which are specific and which we were told were urgent to be dealt with, with this money. What is being left in the Schedule is basically so wide and so vague that there is no telling what the money is really going to be used for. It could be used for any one of a dozen different things that can fall under these general headings. When we look at the first seven matters listed in the Schedule which this loan was to be used for, we find that they were what were told to us then to be urgent and absolutely necessary in accordance with the consultants who had recommended these and whom the Member for Health fought so avidly to continue to retain, notwithstanding the protests which had been laid against them.

Number one was the construction and equipping of a 12-bed surgical suite. Suddenly we are in a position where this does not seem to be important anymore. I guess what I am getting at here is what must be a frustration to the public, the medical staff, the doctors, nurses and everyone

else that really this Government takes its priorities so lightly that they seem to change with every whim and fancy of the Member for Health and his elected Government. We were told that this was urgent. In fact, the statistics showed increases in the number of minor and major operations which were being done. There were no large increases as such in major operations in Grand Cayman, in fact, in 1990 the statistics show the same as in 1989. But be that as it may, this was one of the urgent things that the money was needed for. Now, it does not matter anymore. I am not too certain where or how these operations are going to be carried out.

The conversion of the surgical ward to an intensive care unit and I know that the Member has mentioned that some of these, I did not get them all listed, have been done but it is so nearly impossible to really find out what is happening in many areas because many of the staff are very afraid of trying to even look at the Backbenchers much less speak to us because they know what can happen. So I do not know if this has been done. I do not believe it has.

Definitely the provision of a trauma and minor operating room. I had understood that a trauma centre was one of the main things recommended by the consultants because we have a lot of accidents on the Islands where there must be very good, and I guess, 24-hour staff there all of time to deal with people who have to come into that trauma unit because life and death can be a matter of minutes sometimes, or permanent injury as against full recovery. This was one of the major things that we were to have. Once again, I know that has not been set up.

It goes on to the provision of a recovery area, the conversion of a the present recovery area to an ambulatory recovery area and necessary works to correct patient flow and other inadequacies in the present operating theatres; the provision of proper and adequate support service areas for the operating room, surgical ward and intensive care unit. What has that been displaced by? Some of it has been done. The Member listed a few of these but now the money is being shifted to what, I submit, is the Member for Health's pet project. The money can now be spent on the development of a master plan for the future use of the present hospital site, or the development of a master plan for the Faith Hospital in Cayman Brac, or the design equipment specifications and all construction drawings for the additional 18-bed suite for the Faith Hospital, any one of those. We know that money has been shifted for the road to get in through the swamp to where the new hospital is going to be floated.

So, quite frankly, I am at a loss. They are supposed to be a Government which has consultants running out of their ears. They get them to tell them what they need to do, they accept it and with the wave of a wand or the stroke of a pen everything that was so urgent seems to suddenly have become not so urgent anymore. Perhaps, the same justification which was given to a lot of this expansion is probably about as good as the reasons we are now getting for dealing with a totally new hospital on the other site. Surely, this Government does not have money to throw around. The Government is tight on money and they must surely recognise that priorities, such as those which I listed earlier and were listed in this Law, cannot just suddenly no longer be a priority and put on a back burner. I submit where most of this is probably going to go is in relation to the new hospital which is one of the things listed in the Schedule.

The Member for Health spoke of having freedom for the Health Authority to spend money. I am not prepared to give him the freedom. I am not prepared to give this Government any freedom to go around spending the public's money at the rate they have been much less when it has been earmarked for what I regard as very important areas which are not costing very much but are very necessary areas of the health services. All this has been said about the little man. What is the little man who is an accident going to do when you do not have a trauma centre? You know it is beyond me and, quite frankly, I may never be able to follow the logic of some of the things which this Government does, but what I am not prepared to do is to hand out money, to give a blank cheque to the Health Services Authority or the Member because we know that, notwithstanding what may be the apparent position, the Member does get his way in a lot of things.

In my view what was urgent two years ago has got to be, as the Second Elected Member for Cayman Brac said, a lot more urgent two years down the line as we now have it. We know that putting all of the money in the world into building a new Hospital, it must take time. Why there is a problem on setbacks to build something like operating rooms, or whatever the Member mentioned there, surely that is superficial.

If you do not have enough space on one part of the site then go to the next. The site is big enough to not only take what is set out in this, but it can take the additional 30 beds that I, quite frankly, do not see them as needing. When you look at the statistics for all of this urgency, you have the bed occupancy falling. In 1990 it was down to 62 and in 1987 it was 65. Before that it was 74 to 75 per cent. Obviously, the statistics for the number of operations have gone up, not very much for major surgery but quite a bit for minor surgery which is one of the areas that this was going to cover.

I do not know, obviously 12 beds would have added up considerably. There would have been a total of 72 rooms available. That is getting very close to 90 and perhaps this is the problem because if too much is done on this site with this money then there will be no justification to go to the other site to build a new hospital. Perhaps this is just dawning on the Member for Health. Madam Speaker, unlike the other two Laws which Government brought and I was still attacked for supporting which I found a bit strange but I guess that is the way adversarial politics goes, with this one, quite frankly, I am fully and absolutely opposing any move to strike out and omit the items mentioned in the Schedule of this Law. That is the first thing.

Now all that is going to be substituted for the Schedule items one through seven is, and this is what the Member is inserting, "the carrying out of improvements to the George Town Hospital necessary to maximize its future use, as identified by the Board of the Health Services Authority and approved by the Governor in Council". Why not tell us what that is? Put it in the Schedule. Let us look at it and see what this is for. Section 2, I believe, goes with this. It looks as if it was another paragraph but it does go with it and it says: "2. The cost, as approved by the Governor in Council, of acquiring land to provide access to a new hospital

to be built on Grand Cayman."

I do not know why the Member even bothered putting this in the Schedule. He should have just abolished the whole thing and, quite frankly, put in there "my new hospital" and that would have been it because that is the way it is going to go. Whatever cannot be spent out of this will be vired, transferred or whatever to be used in some other way to enhance what, I submit, is the main aim of this Government, which is building that monument of a hospital.

Madam Speaker, I am going to finish before 4:30 p.m. but my view is that this is not the proper way for a responsible and prudent Government to act. I think that we are just giving a blank cheque to the Member for Health and the Health Services Authority and we are not going to get the urgent and necessary things which affect both the little man and the big man; anybody who has to go in there. These are not going to be done because they have now become unimportant in the last two years and the money is going to be used, as he quite clearly says in this, to deal with trying to get the new hospital in place contractually so that it can be a noose around the necks of future Governments to pay for. The future Governments will have to go back and still do these things and pay for it. It is just adjourning the problem. As I said, I am not prepared to give a blank cheque to the Health Services Authority or the Member for Health to do with as they wish in such wide terms.

Thank you.

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

**MADAM SPEAKER:**

It is now 4:30 p.m., may I ask for a motion for adjournment.

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

House until 10:00 a.m. tomorrow morning.

Madam Speaker, I move the adjournment of this Honourable

**MADAM SPEAKER:**

adjourn until 10:00 a.m. tomorrow morning.

The question before the House is that the House do now

**QUESTION PUT: AGREED.**

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
THURSDAY, 12TH MARCH, 1992.**



**THURSDAY,  
12TH MARCH, 1992  
10:09 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, 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.

**APOLOGIES**

**MADAM SPEAKER:**

Before the business commences I have an apology from the Honourable Second Official Member for absence on Government Business and I welcome to the House the Honourable Clive Borrowman, Legal Draftsman who yesterday took the Oath of Office before His Excellency the Governor as the Temporary Second Official Member. Mr. Borrowman, we welcome you.

Debate continues, the Honourable First Official Member.

**OTHER BUSINESS**

**PRIVATE MEMBERS' MOTIONS:**

**PRIVATE MEMBER'S MOTION NO. 3/92**

**REDUCTION OF INFLATION AND COST OF LIVING**

(Continuation of debate thereon)

**HON. THOMAS C. JEFFERSON:**

Thank you, Madam Speaker. Private Member's Motion No. 3/92 talks about the reduction of inflation and the cost of living and perhaps it would be interesting, Madam Speaker, to look at the cost of living figures and perhaps to make an attempt to analyse them over the period 1990 and 1991.

We see that the Consumer Price Index for the Cayman Islands for those two years averaged about 16 per cent and the sources of this increase are as follows; 85 per cent of this increase over the two years is caused by the category Education and Medical. Well I think all Honourable Members know that it is not the Education side that has caused any real increase. It is the increase in Hospital Fees over that period.

Second, there is the alcohol and tobacco category which is 54 per cent of this increase. It then falls off or tails off into transportation and communication being 12 per cent; clothing being 10.5 per cent of the 16 per cent and housing 9.4; household equipment 8.2 per cent; same for personal goods and services and food.

The Education and Medical component of the Consumer Price Index represents about 8.1 per cent of the items priced. The major price increases for this component occurred in June of 1990 and March; also in June of 1991. The phase implementation of the Government Hospital Fee increases first occurred on June 1st, 1990 with subsequent increases occurring in January 1 and June 1 of 1991.

These were the first increases to occur in seven years. Private sector medical services also raised their fees in line with Government fees.

When we look a little closer at the alcohol and tobacco, this component represents 3.1 per cent of the items priced in the Consumer Price Index (CPI). The major price increases for this component occurred in September 1990, and December 1991. These price increases were mainly due to an increase in duties on alcohol and tobacco items. In terms of transportation and communication this component represents 17.9 per cent of the items priced in the Consumer Price Index. The major price increases for this component occurred in December 1990, when the Gulf crisis had a direct impact upon the cost of fuel imports.

For clothing this component represents 3.9 per cent of the items priced and clothing showed its highest price increase in March 1990, when prices increased by 4.6 per cent after a decline in the previous quarter of 3 per cent.

I think all Honourable Members realise that the price of clothing is very erratic. Housing is the other component which represents 17.7 per cent of all the items priced. The highest price here increased in December 1990 when utilities increased 16 per cent due to higher fuel prices resulting from the Gulf crisis. In addition, rents tended to increase at this time of year due to seasonal demand for housing.

In dealing with food, this component of the CPI I believe is worth mentioning as this represents the largest component of the Consumer Price Index, that is 20.6 per cent. It has shown the lowest rate of increase over the 24 months at 7.3 per cent. It has largely offset the price increases in the other areas. It consists of items that are essential to life. Food prices are more susceptible to economic fluctuations as they are perishable and most sensitive to declines in demand.

In the overall the majority of items, that is 61 per cent priced for the Consumer Price Index, are direct imports and the remaining 39 per cent are service items which are also largely externally determined, for example, insurance charges, air fares, car hires and electricity are dependent upon fuel costs.

During 1990 and the earlier part of 1991, import prices were increasing largely as a result of the Gulf crisis which increased costs and hence transportation costs. The last three-quarters of 1991 showed slower price increases in the United States (U.S.) and hence in the Cayman Islands also. If we look at the comparison of the percentage changes in the U.S. Consumer Price Index as against the Cayman Islands Consumer Price Index, in June of 1990 the change in the U.S. CPI was 1 per cent, in the Cayman Islands it was 2.6 per cent. In September it was 0.9 per cent in the U.S. and 1.5 per cent here. In December it was relatively close - 2.2 per cent in the U.S. and 2.1 per cent in the Cayman Islands.

If we look at this in a different way when we published our CPI figures in March of 1991, March 1991 as compared to March 1990, showed a change of 9.9 per cent. The next collection of CPI goods and prices in September of 1991 as against September of 1990 showed a change of 6.6 per cent, and the same held through or December 1991. If we were to take an annual average of all these figures in 1991, it would come out to be about 8 per cent. If we look at it on that basis and compare it to what happened in the United States, the average annual cost of living for 1990 in the United States was 5.4 per cent. In the Cayman Islands it was 7.7 per cent. The annual average for U.S. in 1991 was 4.2 per cent versus 8 per cent in the Cayman Islands.

What is indicative of the figures is that we are seeing a smaller change in recent times signalled from September 1991 by 6.6 per cent and 6.6 per cent also in December 1991, versus March 1991 being at 9.9 per cent. In the overall as far as the CPI figures are concerned, it appears that those are on the reducing trend.

The motion also speaks to the establishment or the taking of the initiative to hold seminars with key leaders of the private sector designed, among other things, to find ways of reducing inflation and the high cost of living. There is a Private Sector Council Consultative Committee which the Financial Secretary has been Chairing for a number of years. In my view it is very helpful and has people with a wide variety of expertise and this subject could easily be discussed with that group.

The motion also speaks to the Economic Council. It explores the possibility of creating an Economic Council. I believe that since 1988, when we established the Economic Development Unit, we have the wherewithal or the nucleus of an Economic Council. It is a matter of Government deciding to put the expertise of the Economic Development Unit together with a similar expertise on the private sector side to form an Economic Council.

I make those points to say that Government has established an Economic Development Unit which I think can form the nucleus for an Economic Council when Government decides to go that route. There are other aspects of this motion which I believe I will leave to another Government Member to make their contribution on.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Honourable Member for Tourism Aviation and Trade.

**HON. W. NORMAN BODDEN:**

Thank you, Madam Speaker. I rise to make a brief contribution to the debate on Private Member's Motion no. 3/92 dealing with the Reduction of Inflation and Cost of Living.

I do not take it that I am the other Government Member that the Honourable First Official Member referred to awhile ago because I will be mainly addressing the points raised by the mover in connection with tourism related development.

There can be no doubt that the reduction of inflation and the cost of living is the most desirable and most sought after but often illusive accomplishment for most countries, especially one such as the Cayman Islands which is so heavily dependent on the United States economy and therefore highly vulnerable to conditions beyond, at least a certain measure of our control. I must say that this is a

point and fact that the mover of the motion did not ignore in making his presentation. Neither do I attempt to fault the mover for some of the suggestions made nor the logic he applied and I must also say that he made a very able delivery of his case.

The motion, as I understand it, amongst other things calls for more production activity and therefore increased growth and development in key areas. Finance and tourism were mentioned amongst light industries and others. However, in listening to some of the means that could or would be applied to accomplish this in considering some of the proposals the question that came to my mind was, "Would not these very projects, which are intended to produce increased growth and development, not also tend to contribute to inflation and help to drive up the cost of living in the final analysis"?

I lay no claim to being an economist. I will leave that to the Honourable Financial Secretary who is qualified and holds a degree as an economist. The statistics which he used awhile ago, I will not venture into that area, but it seems to me that in our free enterprise system, which we all value and promote, and which naturally does not provide for any form of price control, one means of reducing or controlling inflation, the bulk of which is in my opinion also imported, would seem to me to be voluntarily. What I mean by that is where the business man accepts, calculates and figures in such a way that the bottom line because of market conditions will be less than it is in some boom years.

In dealing with possible areas of development the mover touched on some matters pertaining to tourism development which I thought it might be helpful for me to briefly comment on; to share as it were my thoughts and view on tourism development in regard to attracting more visitors from Europe in an effort to reduce our almost total dependence on business from the United States and Canada.

I am pleased to state that this has in fact been recognised by the Portfolio and the Department of Tourism for some time now, and does form an integral part of tourism's established policy and on-going marketing and sales programmes.

The results served us well last year, otherwise the situation in our tourism industry could have been much worse than what we experienced. I am not here to argue or to say that more could not be done but I will say that based on our financial resources, based on the fact that the United States will remain our main source of supply for the foreseeable future, and the fact that we cannot neglect our market share there, much has been accomplished in attracting new business from the United Kingdom, Europe and Japan, especially in the past six years. I wish to assure the mover that the change was brought about by more than just merely paying a visit to any of these countries. It was accomplished through a well planned, organised approach and properly executed marketing programme which, as I have said, is an on-going process.

In the past six years we have appointed a Regional Sales Manager and established a fully staffed Regional Sales Office in London. We appointed General Sales Agents and Sales Representatives in Italy and the Benelux countries, in the cities of Brussels and Amsterdam; Belgium, Germany, Austria, Switzerland and Japan. I believe that as a result of these combined efforts our arrivals have increased from 5,000 in 1984, to over 16,000 in 1991. Additionally our sales and marketing people are exploring the possibility of attracting new business from Spain, although I understand because of the World's Fair and the Games that this is a bad year to attempt this, so in my view it should be pursued in 1993 or as early as possible.

I also fully realise that a greater scale of tourism development could perhaps be embarked upon where the runway at Owen Roberts International Airport, could in fact, be lengthened in an attempt to attract more direct business from Europe. But I also believe that contingent on this must be more hotel rooms and in fact, more cheaper hotel rooms will be necessary because we will then have to enter more heavily into the charter market to make all this type of operation feasible.

Madam Speaker, I ask is this the direction that the country really wants to take in its tourism development? This is certainly a question that would have to be addressed and answered by the Government of the day and an indication made by them as to the policy that would achieve this.

In connection with this type of expanded operation it should be borne in mind that when we enter into a cost of this magnitude, and I refer here to airport extension at Owen Roberts Airport, that could cost anywhere up to \$20 million or more. We should remind ourselves that traffic patterns do experience drastic changes. For example, I recall the situation in the Bahamas and indeed in Bermuda, where they are now receiving substantially less direct service from Europe and the majority or bulk of their business from that part of the world is being routed via the United States.

It will, as I said, depend on the policies of the Government of the day but this is not my considered opinion or view on the matter. Tourism for 1991 was down some six per cent, and we certainly all with good reason become concerned when we experience such a loss in market share. At the same time I believe that we should use extreme caution and care in the route we decide to take in future tourism development. While tourism has experienced its ups and downs, over the past 10 years we have averaged approximately between a five and seven per cent growth in tourist air arrivals. I believe that this rate of growth has been at a level that has not placed an undue burden on the countries infrastructure and therefore enabled us to maintain a high quality tourism product through offering good services for which the Cayman Islands presently enjoy a good image and reputation in the market place. An image and reputation which has served us well, even in a difficult year like 1991.

It is true to say that in my opinion because of this quality tourism product we have fared better than most Caribbean destinations. Based on the statistics I have, I know that we have certainly fared better than the Bahamas, Barbados and we have fared better than Bermuda. We have also had a policy of targeting the middle to upper income bracket of clients and sometimes this might be misunderstood but it is a policy which I found there in 1984, one which I accepted and built on as a good policy, and one which I believe has served our country well.

We have also earmarked approximately 20 per cent of our

tourist accommodation for the charter business; another good policy in my opinion because if a destination becomes overly dependent on the charter market to survive, from experience we know that this market sector is usually the first one to disappear in a recession year and the destination can be hit very hard. I honestly believe that we must continue to consistently promote the Cayman Islands through creative, well placed advertising and marketing strategies. These must be reviewed and revised as necessary to meet frequently changing market conditions so as to achieve a steady and reasonable rate of growth in the five to seven per cent region, a rate with which we can continue to cope without placing a strain on our infrastructure with consequent deterioration in the quality of our tourism product. At this rate of growth this will continue to provide employment for our own people entering the job market and looking to the hospitality industry for a profession.

Just because tourist air arrivals were down in 1991, the reasons for which are obvious and valid, we should not panic. Although 1992 has been predicted to be an equally difficult year, Madam Speaker, we are fortunately beginning to see some signs of recovery as far as tourism air arrivals are concerned. February was up 9.9 per cent, this was the figure I was given, which brings our year to-date six per cent above 1991. I know that we are only talking about two months but we are constantly striving through the Department of Tourism and Cayman Airways sales force to attract as much business as we can from all markets, from the United States our main supplier, from Canada, from Europe, the United Kingdom and Japan and a mixture of other countries.

I believe, without being overly optimistic, that as the United States and the United Kingdom economies improve, we will improve our performance in this area as well.

Expanded tourist growth at a rate higher than that, in my opinion, as I said, means more hotel rooms, consequently more imported labour which will further add to the imbalance in the labour force and population, which I believe remains a concern. Again I ask in all honesty, is this what we really want for the Cayman Islands and for our tourism development? With the greatest of respect, at least in my opinion, I think not.

It is my view that a small country like ours with limited resources cannot expect to keep on increasing the numbers of air arrivals or cruise ship visitors each year and keep on using this as a measure of our success. Yes, I of course believe that our efforts must be concentrated on maintaining and defending our market share and we should experience a steady but manageable rate of growth, as I have said between five and seven per cent annually or at least on an average.

My position is that Government and the private sector must strive to create more on-island activities so that the visitors we attract here will be encouraged to extend their length of stay, to stay from five to seven or more days and thereby make a more meaningful and sizeable contribution to our economy.

I believe this is to be a preferred route than going in for high volume traffic.

This is one of the reasons that renewed efforts are being made through the Historic Sites Committee and with the help of National Trust and the National Museum to develop more worthwhile tourist attractions and points of interest such as the planned development programme for Pedro Castle, for the Wreck of the Ten Sales and on which I must say we are making very good progress, and other smaller points of interest which are planned to be developed.

I would like to say here that I would like to see funds continue to be provided for this programme because some of these projects can be long-term and costly but they are important and worthwhile to the country and to our continuing tourism development. I must say that this is the first year that the Portfolio has had any funds at all to develop tourist sites or to improve any of the existing sites that we have. I would like to see this programme continue.

Madam Speaker, it is true that air linkages is a vital ingredient for any form of development but especially tourism development. It is also true that Cayman Airways, especially in 1991, has cost Government a substantial amount of money without which it could not have survived, but in the same breath I also shutter to think what our tourism industry would be like today without Cayman Airways as one of the main marketing tools for the Department of Tourism. This leads me to comment on the use of Puerto Rico as an alternate gateway for Miami and other U.S. points for inter-line traffic from Europe to the Cayman Islands in order to answer the point made by the mover in his presentation.

No, I do not believe that San Juan is attractive as a transfer point because of the rate and route structure. It is a greater distance away and therefore the cost would be higher than via Miami. To the best of my knowledge there is no non-stop scheduled service from Europe to Puerto Rico, it is all routed via Miami, in fact, except perhaps for some charter business which I believe they receive there.

Madam Speaker, it is a fact that the focal point from Europe is of course the United States mainland and the dual destination package where vacationers spend some time both in the United States and a nearby and easily accessible Caribbean destination has been around for some time now and is certainly growing in popularity. This is why I believe that Miami, Tampa, New York, to some extent Atlanta, and Kingston Jamaica are preferred transfer points and will remain the case for the foreseeable future. In my opinion, this probably has contributed to the loss and substantial reduction of Trans-Atlantic air services from Europe to Nassau and Bermuda.

The mover also mentioned the possibility of attracting other small, light industries and this too is a matter which can be and should be realistically examined but I can only base my comments in this regard on what my experience has been. I know of an application that was made to the Trade and Industry Incentive Committee some time ago to set up a clothing industry here. I think that the investor was serious enough but after many discussion and meetings and exploring this fully, I believe that this business was lost to Belize or to another country where labour could be provided at a cheaper rate. Certainly this type of development might offer some potential and possibilities, but certainly the high cost of labour is a matter that must be considered and in the final analysis we must also direct our attention on whether that labour is available locally

or whether it has to be imported. If it is to be imported are we really improving the labour situation locally or are we addressing the labour problems of other countries?

We recently had applications from two smaller operators on the Island and this is a matter which Government will have to discuss and direct its attention to and really take a serious look and a policy decision. I think it is well known that Government depends I believe for about 40 per cent of its recurrent revenue earnings from import duty and many times when applications that merit some further consideration are made, the position that has been taken, and I am not saying whether that position is right or wrong, maybe it should be re-examined but the position that has been taken is that if this type of industry were to be allowed Government would stand to lose substantial amounts of revenue from import duty.

I believe that the proper policy has to be set and the advantages and disadvantages weighed and balanced against each other and in the end a policy decision made as to how serious are we about attracting small light industries. I think there is room for improvement there but that has been my experience in the past.

With those few comments to this motion on the floor of the House, I trust Members will find it of help and assistance and I thank you for your attention.

**MADAM SPEAKER:**

Would any other Member wish to continue the debate on Private Member's Motion No. 3/92? If not, I would ask the mover if he would exercise his right of reply. The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. This motion deals with what is one of Cayman's most pressing problems at present and one that is probably second only in importance perhaps if not equal to the question of the Constitution. This deals with the plight and the lives of persons in every day life, the struggle that is going on for many people to make ends meet and the economic situation which is now getting fairly serious and which this Government has put the country into.

The cost of living has continued to rise, notwithstanding that the country is in a economic recession. This is one of the worrying things that has been raised firstly in the recitals to the motion. It is a known fact that when you have an economic recession it is crucial that the Government takes the necessary steps to ensure that the cost of living remains as near to stationary as possible, but definitely that we do not have a serious rise in the cost of living. In fact, it should not be at all because the situation has always been that when a country goes into a economic recession, then the cost of living itself should considerably come down from where it was during an economic boom.

The Index and the case for Government has been quite professionally and ably put by the Honourable Financial Secretary, however, facts are facts. We know that the Cost of Living Index has risen mainly because there have been very heavy increases by Government in areas such as Hospital fees and in the \$10 million of taxes that it has consistently put on for the last two years.

If it had not been for Government's insistence on putting increases on Hospital fees, import duties and all of the many, many other areas fees have been increased in the last two years, then the cost of living in my opinion, and as a fact, would have been considerably less. We know that the dominating factors in the Index have been those where Government has made the increases. Unfortunately the increases were not small ones. With Hospital fees it was an increase of 200 to 300 per cent. Import duties on matters such as diesel in this last set of taxes is one that obviously affects many things that are put into the basket to weight the Index.

I submit that the reason why the recession has hit so hard and so rapidly has been because Government itself has blinded itself to economic reality and the Elected Government has chosen to continue to drive up the cost of living as a result of their increases in fees and taxes. The percentage change over the last few years is quite significant when it is looked at. I am reading here from the Statistical Abstract of 1990 at page 85 dealing with the Consumer Price Index and the Annual Averages. We find that it has gone from in the low 2 percentile in 1986, up to 4.3 per cent in 1987, 5.2 per cent in 1988, 5.9 in 1989, 7.7 in 1990 and now this year is estimated to be still in that area.

What is significant to note is that the rise has been in the years that heavy taxes have been put on by the Government. It is obvious that the cost of living has to go up if people have to pay more for services and goods. What is sad is when the Elected Government choose to force-up the cost of living, and this is where a lot has been said by the Member for Health, I guess trying to assist the Member for Communication and Works on the little man but this bites hardest on the people who are less well off financially.

It hurts less, people such as the Elected Members of Government, and perhaps of this House, I would say, who are in the higher economic bracket. I submit that the first thing that has been done wrong and the major thing, is that the Government itself has brought upon it these economic woes. They are linked, and I will deal with that at a later stage, to the U.S. economic recession, but they have been worsened by the fact that Government itself in its very heavy and in my view unconscionable desire, I should say lust, for more and more money to spend has extracted more and more from the people of these Islands, thus driving up the cost of living.

The second recital goes on to deal with the various increases on import duty which have taken place recently on fuel and other items. Those increases in my view should never have come about because as I will show at a later stage, Government's view is that it decides how much money to spend and that drives the machinery on how and where Government is going to find it. If the Government were living within its means there would have been no need for the increases on import duty, the increases on fuel and the other licences that have been increased. If Government cannot balance its Budget, which this Government has never been able to do, what they call balancing the Budget is extracting vast sums of money in taxes or borrowing

it and this is not good economics at all.

The increases on diesel that was put on late last year was actually a doubling of the import duty on it and that is, in my view unconscionable, from two points of view. Firstly, it affects everybody because everyone has to use electricity. Many people have to pay for water and some people pay for sewerage but it also goes beyond that.

The import duty on diesel when put into electricity affects the supermarkets, the stores, it affects nearly everything that one does in this society. It affects offices, it affects the operation of electrical machinery so that you had an automatic rise of necessity in the cost of living of people through all sectors of the economic bracket. The persons that it has hit worst have been people in the lower economic bracket.

In my submission that relates back to children and those who remain at home to mind more elderly people. These are the people, those on pensions and people who have very little income, that it is going to hurt. So it is not just a matter of the cost of living rising on luxury goods but the increase in import duty hits everyone in society. That is what the third recital states, that these increases have caused corresponding increases on electrical rates, groceries and other commodities in the Islands.

It is all well and good for Government to state its case that if import duty for example, on diesel doubles, matters which are affected by it should only double. But that is not the reality of it. Somebody has to put out the money to pay for that and you then get an increase in either a payment for that extra capital output in the form of interest on the one hand, if people are borrowing, or in a loss of income from money that could otherwise have been on deposit. So the effect is not just the sum equal to what the rise in taxes and duties are.

I do not know what the multiplier is but I know that Government has stated that \$1 in the economy, and they tried to use this as a basis for justifying taxes, multiplies by 4.00 or close to 5.00. But it is the same thing when you are dealing with the person who has to pay for these increases in the society. The multiplier is still there, and because in this instance it is money being taken from the public before it is spent for public projects, it is therefore a fact that the impact is probably four to five times what the initial amount is because everything goes up as a result of it. Even where you have the import duty put on or you have an increase in areas of trade licences, or in relation to motor vehicles, or whatever, it all multiplies out into considerably more.

I know that it has been mentioned in the fourth recital that Government has tried to blame the merchants but, while they tried to make a good propaganda campaign on it, people are not fooled by these campaigns. It is of no use to say that the Government is going to increase import duty on merchandise and that the merchants, as I mentioned before, who have to lay out more capital and therefore, keep more expensive stock, are going to be able to sell it for exactly what Government puts it up for. Built into that is a very heavy underlaying cost of financing it. Therefore, the price of the commodity has to go up beyond the specific amount of the import duty.

Beyond that, the staff they employ to sell the commodities are also affected by this. Their cost of living goes up and as a result the merchant has to pay more salary to his staff. He has to pay higher electric bills and if they are renting, rent will go up and everything is triggered. You get a hyperinflationary effect on it where one act by Government, the increase in taxes, is not left in isolation. It ricochets through all strata of the merchants and of the community and of those who sell services and goods.

We know that Government has heavy financing these days, which I would like to deal with in depth later on. The same as they have to pay interest, the man in the street also has his loans, or alternatively, has to take capital that could otherwise be used for other purposes and use it to finance Government's debt. I believe and during the time I was in Government we took import duty off of, I think, about 30-odd commodities that were basic necessities for people. In other words, to help the man in the lower income bracket, we actually took off the import duty on many things ranging through what is regarded as basic necessities to people in these Islands.

In fact, we have seen that followed recently in, I think it was, the Bahamas. However, that is not a course of action that this Government can take because it is spending vast sums of money, more than it has. Therefore, it is not an avenue that is open to the Government but it is not the people's fault why the Government is in this predicament. The fifth recital states that the increases on electrical rates and other commodities are putting a severe strain on consumers. This is a known fact. We are in a recession and people in the community are hurting. We see day after day that businesses are being put up for sale. We know that people have had to cut back on spending and we also know that it is a common trend, even though not a good one, in developing countries such as the Cayman Islands and other West Indian islands, that people perhaps do not save as much as they should for a rainy day.

Then again, they elect a Government which should keep that rainy day very short. I do not believe that any of us expected that the recession we are in would be this long and this deep. I submit we would have been out of the recession at this stage if Government had stopped the spending which it did on the taxes it borrowed. There I have chosen my words carefully.

In other words, the country would have been a lot better off without the \$10 million that was put on in taxes and the following year another \$10 million, accumulating to \$20 million in that year. Let us not forget that this has an accumulative effect. If that \$30 million had not been put on the people of this country, firstly, the country would be a lot better off, the people would be a lot better off, and I really believe that we would, at this stage, have seen very good progress with coming out of the economic recession.

I know that it is mainly the Member for Communication and Works who has a grasp of the Keynesian theory that Government should spend during an economic recession and save during an economic boom. However, Keens, never in his wildest dreams, would have applied that theory to Government taking from the people during an economic recession so that it could spend.

The Government should have saved. Better still, it should not have spent the Reserves that the last Government, of which I will admit the Member for Tourism and the Member for Education were a part of, actually built good Reserves and kept the debt down. I do not understand how those same two Members who had so effectively, I would say, steered the Government to that position could have presumably let the Member for Health and the Member for Communication and Works so influence them that they have gone into the economic straits and on a course for disaster, quite frankly, if something is not done within the near future to the economy of this country.

While on that aspect, I would like to go back, and I am not now going to go beyond the last Government's figures because I think we waste a lot of time when we open up the history from 20 years ago, but let us just go back to the Government of which the Member for Education and the Member for Tourism were a part of from seven and a half years ago. We find that when the previous Government was handed over in 1988 that the Government Reserves, and I am reading from page 42 of the Statistical Abstract for 1990, stood at \$19.8 million. The debt was only \$25.1 million or, approximately \$5 million difference between Debt and Reserve. A very good position, I will admit. I will commend the two Members here who were Members of that Government and also the other two Members, Mr. Vassel Johnson and Capt. Charles Kirkconnell. They built a very firm foundation for this country. They too, experienced an economic downturn during that time.

Since that time we have seen the Government's craving for big spending on big projects drive this country's Reserves down to an estimated \$7.5 million this year, and its estimated debt up to \$43 million. That is excluding what we know and have been told is an approved figure, by Government at least, as a further \$16 million. That puts it close to \$60 million and then we still have to pay for the Cayman Airways/GPA settlement about 15 or 18 months down the line. So the new Government pays for that. I think it has to be added on. You are then up to \$65.5 million.

The difference then has gone from about \$5 million between Reserves and Debt to approximately \$60 million between Debt and Reserves. That is frightening. That is why the last recital in this motion points out that the country is experiencing an economic recession. I honestly believe the action taken by this Government would have driven this country into a recession whether or not the United States had gone into it. It would not have been as bad and we are affected by the United States but all that I can say is that I actually voted for the Member for Tourism to be in Executive Council. I think he is one of the few gentlemen who received 12 full votes to be there and I put my faith in him. All that I can say is that somewhere along the line the two new Members to Executive Council, the Member for Health and the Member for Communication and Works who are the big spenders in Government, seem to have somehow influenced the remaining two Members to bring about the situation which is now here.

What is even more frightening is that while we are in a recession, the Government should not be spending money it does not have. If it has money, under the Keynesian theory that it has built up during the years of economic boom, spend it now. That is the way it works. But what you cannot do is spend now if you do not have it because that is going to worsen the economy of the country. It is going to drive up the cost of living and basically it is going to mortgage the lives of future generations in this country. The Government believes buying now, or spending now, or guaranteeing now only to be re-paid sometime in the future, that someone else will have the burden of doing so. That may be good politics but it is very bad economics.

I submit that somewhere along the line we have to see the Government coming back to economic reality. We have to have Government living within its means. That is the only way the country is going to succeed with this economic crisis. I can tell you the recession that we are in now hopefully, we will have to come out of soon because we cannot keep on at this rate forever and ever. Positive steps now have to be taken to take a realistic approach to spending in this country.

I would like now to deal with the next part of the motion.

**MADAM SPEAKER:**

Honourable Member, would you take a break at this time?

**MR. TRUMAN M. BODDEN:**

Sure. Thank you, Madam.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 11:30 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:54 A.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on Private Member's Motion No. 3/92. The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I was then going on to deal with the first part of the Resolution. That reads:

"BE IT THEREFORE RESOLVED THAT Government set up a Task Force which would:

- (a) investigate the procedure used at Caribbean Utilities Company to examine the electricity consumption patterns; and
- (b) the related rate structure, with a view to reducing cost to the consumer;".

The aim of this part of the Resolution is to seek, by mutual agreement between Caribbean Utilities and the Government, to examine and look at the structure of the rates. We know that Caribbean Utilities has a franchise and what is legally in that franchise binds the Government. That is a legal fact that the country will live with for another 20 years or whatever period of time it is. However, I believe that there is always scope for sitting down with any of the franchise companies or monopolies and discussing the procedure, setting up a Task Force to sit around the table and to look at where the cost to the consumer can be reduced.

What we do know is that Government in doubling the import duty on diesel, drove up the rates in certain brackets by something like 18 per cent to 25 per cent. It was clearly set out in a press release by Caribbean Utilities showing the impact of the fuel factor on the electricity rates. Obviously, the simplest approach to reducing rates would be to go back and reduce the import duty. We know that is an impossibility with this Government's financial position.

I know that in the past Caribbean Utilities was receptive, during the continuance of its franchise, to discussing and looking at ways where by mutual consent there could be variations to areas of the franchise which would impact upon the reduction in cost to the people who use electricity. I know that this has been recently negotiated but there may well be areas in it where it is possible, upon a further examination of the present franchise in the light of the working of that franchise since it was signed, whereby it may be to the mutual advantage of Government and of Caribbean Utilities to assist the public in reducing costs in certain areas of the rates, or certain areas whereby deposits or whatever have to be put up for persons to continue to be connected to electricity.

So I see no reason why it should not be possible to open dialogue with Caribbean Utilities and to discuss any areas of it where it may be possible to ease the impact of the electricity rates on the consumer. We know that even though the price of diesel dropped about a year ago, notwithstanding that, when the import duty was put on, it wiped out any benefit in the reduction that the people may have received from this.

I regard electricity, and I think the people here regard it, as an absolute necessity in this day and age. It is something that has to be paid for promptly, I should say, by people who use it. Government has a very heavy duty upon it when they grant a franchise to ensure, firstly, that there are reasonable review periods, and I use the word reasonable, in relation to certain major areas of the franchise if it is going to be over a long period of time. Secondly, notwithstanding its right to review aspects of it periodically, it does everything possible to protect the consumer. I feel, and I have supported a motion, and I know I have done so in the Public Accounts Committee by recommending that some type of a commission be set up to deal with the problems that consumers may have with monopoly companies. While I realise that that is always subject to the contractual relationship and the law which exists between the Utility Company and the Government where it provides solutions to problems, I believe that it is in the mutual interest of both Government and the Utility Company to do everything possible to utilise and use the means possible to achieve it.

I guess where this could have more effectively been done was when the franchise was being reviewed not very long ago. We know that rates did not fall as a result of that. In fact, Government's continued role has been to extract more and more money from anywhere they can get it. We saw very substantial amounts coming from Cable and Wireless rather than being passed on to the consumer. This is why I feel that this exercise would be good.

The last part of the Resolution, states: "AND BE IT FURTHER RESOLVED THAT Government set up an Economic Council with statutory effect whose terms of reference would include among other things a holding of seminars in conjunction with the private sector and whose purpose would be to find ways of reducing inflation and the high cost of living and make reports to Government of its findings which reports would be tabled in the Legislative Assembly." I respect that the Honourable Financial Secretary has made a very good effort to bridge this gap with his Private Sector Committee. I also accept that he has established the Economic Development Unit. I believe that he has done everything and given the good professional advice which he always displays here to the Government in relation to the economy and in relation to what should be done with bridging the gap with the private community.

But he is only one man and the problem that has been consistently levelled at the Elected Government, a lot of it by their own consultants in their own reports, has been a lack of communication. I think this rests at the base of the majority of problems which the Government has today. If they would just listen to people, if they would not only solicit the views of people but try to accept and follow whatever of it is good, this country would not be with the financial woes it has at this stage.

While it is good to have the Official Members with Committees that are dealing with the private sector, it is a known fact that in this country, with its collective responsibility and a majority of Elected Members in the Executive Council, that the people who are directing policy in this country are the Elected Members. That is where, I submit, the gap has to be bridged. The communication between the Elected Government and the private sector has to come about and this is what the aim of an Economic Council is all about. This worked well before. There was a body called the Financial Community Committee and on it sat all the Members of Executive Council and at one stage, actually, in meetings that we would go into with the private sector, I remember there were somewhere over 40 people from the private sector in those meetings.

It provided an avenue of communication where the members of the private sector, be they from whatever area, were able to look all of the Members of Executive Council in the eye and say to them, "These are my problems, what are you going to do?" Similarly, it permitted the Government to say to them, "These are our problems, what are you going to do?" When that stage was over with everyone sat down and said, "How are we going to solve the problems that we jointly have?"

I think that since communication is an obvious problem



between Elected Members and the private sector, Government should very gladly accept this part of the Resolution. It can do no harm and out of it must come a lot of good. We would sit down at times for example, with the contractors in times of economic recession and deal with problems that were arising in the building or the electrical area of the economy. The aim of it is that it has got to be in the interest of the country to pull together as a team or as a group from time-to-time with the people who are out there making the economy work because Government, while it sets the rules, very rarely has to carry them out.

I believe that if this Government had at an early stage put together an Economic Council which could have looked at the economic problems of this country, we would not be at this stage looking at a Government that is grasping at straws to find solutions to the country's problems. Even more importantly than getting the seven Members of the Executive Council into an Economic Council is the fact that it is basic to the operation of Government that the four Elected Members first have to communicate between themselves and pull together as a team. If you are going to ask for team work from the private sector and you do not have it within yourself, you will never really achieve very much. What it would do is to put the problems of the country on a national or global basis instead of having a situation now where for example, one Member of Executive Council is trying to raise some money to deal with the Hospital or someone is trying to raise money to deal with the schools or whatever, to a basis whereby as a team they would be saying, "These are the priorities that the country needs to achieve." Then there would be no competition, no glory and no rush to get these projects through for the personal glory of the specific Elected Member.

I have found that it is far better to ask for help when you need it than to stumble blindly on and end up with disastrous results at the end. We have, as a fact, at present serious problems with the cost of living being too high, serious problems with inflation that are mentioned in this motion and I do not honestly believe that after three and half years of this Government being in power they are capable of finding the answers and the solutions to these problems. It would have to be a miracle for them now to start coming up with answers. Yet, I believe it is partly also a fact that they are not prepared to take the medicine which is necessary to deal with the economic problems of this country. It comes from stopping the spending. They are not capable of doing that.

The Economic Council is not one that is going to be put together to find money to support Government's expenditures which are running on average of between \$12 million to \$16 million more than they have money every year, for the last two years. I do not think that, quite frankly, is a solution.

I believe that given the present situation unless there is more communication with the different sectors of the private sector, be that the financial community, the merchants, the builders or the taxi drivers, the country is going to face serious repercussions as a result of the economic hardships that this Government, I submit, has created and/or increased. While I know that this elected Government has chosen to leave Backbenchers totally in the dark on most things, it has to be better to have some communication because I believe help can always come from the mere fact of discussing problems. Most of what we see comes here when it is a *fait accompli*. The tax measures, or whatever come up and we know for a fact that it is Government's decision and they do not bend in any way.

One thing an Economic Council would do is to put some flexibility into Government, which it does not have. It believes, quite wrongly, that Executive Council must have its way. That is all well and good with having its way provided you are not hurting the people of this country financially. But having its way means spending more and more. When the motion was brought to deal with the slowing down of the economy two years back, I cautioned not only the Member who brought it but also the Official Member and I warned them that it is very easy to slow a country down but it is very difficult to speed it up once the brake is on. It is not just a matter of releasing the brake you have to wait then for the economy to pick up speed.

I was somewhat, I guess, made fun of when I was told that it was something like a neighbour giving a teaspoon of sugar to his neighbour and saying use it sparingly. I am not saying that this has been all of the problem. I am not pin-pointing it at this stage in that way at all. What I am saying, I guess, is that when we have an economic boom, we must never take it for granted because as fast as it comes, it can go. I am happy to see that the Member for Tourism is doing well and increasing tourism from the European and far eastern countries and I agree with him that there lies the answer to bringing in tourists who will spend reasonable amounts and substantially more than tourists who come for very short periods. I think that is a proper course which he is on.

But that, once again, is an aspect where I think he could get assistance from an Economic Council because the main pillars of the economy of the Cayman Islands rests on tourism and finance. Therefore, anything which affects or reduces either of those two things is going to affect the Cayman Islands overall.

Tourism is perhaps the most fickle and we have found that even during an economic recession the financial sector, as I think was pointed out in a letter by Mr. Walker, the lawyer, continues to go and is not impacted or hit as hard as tourism. Therefore, it is most important that the Member for Tourism keep his fingers on the daily pulse of what is going on in the tourist markets which he depends upon around the world. Once again, stability in tourism has to come from a spread of the market because to depend too largely on North American or any other single country or continent could result in serious problems when there is an economic downturn.

Rarely but more recently we have seen where most countries have gone into a recession at one time. There is normally an economic boom on one side of the world and an economic recession on the other. At least they are not as pronounced as they may be in one or the other parts of the world. So spreading it, in my view, is similar in the way a banker spreads risk over a large number of loans.

Madam Speaker, this motion is, in my view, one that

Government should accept. It is one that Government needs to accept and it is one that can only help the Government and the country. When I say help the Government they must surely, at this stage, realise that they need help and that help can really only come from the experts who live on this soil. This nonsense of constantly going away and bringing in foreign consultants in every instance, in my view, is wasting a lot of money. Sometimes they are needed, yes, but the Economic Council would put in the hands of Government the local experts who are far more motivated to find solutions to the problems because the problems affect them.

We know that the people who are most motivated to find solutions to problems are the people who have those problems. While I am not criticising foreign experts as such, some are needed, I am saying that with our main problem now I think the solution lies very clearly in our own hands, in the expertise of people in this country who understand how it works.

I know mention was made of the Economic Development Unit and I would just like to say that that is good. I support it fully. What seems to me once again to be a problem is, is it really being used or is it being used at a stage when the Government has made up its mind that it is going to go through with a major policy and then it sends it across to them to look at it?

It seems to me that matters such as we have seen recently like the new Hospital, should have gone to the Economic Development Unit in its very early stages if it is going to be of any benefit to Government. It is of no use for them to say that they are going to pass a specific policy and making up their minds and then sending it on to the Government's Economic Unit. That input, I submit, should come at an early stage for it to be effective and meaningful. It should be looked at carefully and not just as a routine matter which Government should do to comply with some obscure obligation which they feel is all that it does.

Lastly in this area, I was very shocked to see in the 21st February, 1992, issue of the New Caymanian that the unemployment rate was up. This is the problem that I believe an Economic Council could have a look at. It stated on page 5: "Details of the first Labour Force survey which was carried out at the beginning of October, (1991) by the Government Statistics Office showed that the unemployment rate in Cayman Appeared to have stabilised at 5.9% with 990 persons out of work of a total working population of 15,755." Madam Speaker, this went on to say: "But the survey noted that an additional 685 job seekers are expected to enter the labour market in the upcoming six months."

For the first time, I guess, in the history of this country, the Islands are faced with very high unemployment. I think prior to this the country has seen over-employment and I cannot understand how the unemployment could have reached this stage; 5.9 per cent or 990 persons out of 15,755. It seems to me that Government's Immigration policy should be such that it should be able to impact and relieve some of the unemployment in the country.

The article went on briefly to say: "The highest unemployment rates were experienced in the agricultural and manufacturing industries and the lowest in the financial industry." Maybe the Economic Council could have redirected a part of the \$5 million that the Member for Agriculture is spending, some of which is going overseas, and having that put directly back into the agricultural industries. As I mentioned before and this also bears out, the financial industry is normally a very stable industry and we found that the lowest unemployment was in that area.

I believe that it is now crucial that this Government sets up some type of council. They do not want to call it an Economic Council, call it whatever, but some group of people from the private sector who are going to look at the problems of the country in the financial areas and who are going to come up with some joint solutions. The best way for people to accept major decisions is if they are a part of it.

It is well known that up until this time, Government has, in many instances, made major decisions in isolation. So I am calling on Government now. If they are really and truly interested in helping reduce the cost of living, if they are really interested in curbing and reducing the spending of the country, if they are interested in finding solutions to the problems which now exist, including the serious unemployment problems in Cayman, that they will accept this motion and specifically the last part relating to the Economic Council. That they will now go out there and try to work as a team with the private sector to come up with some solutions to the ever-increasing financial problems which the people of this country have had heaped upon them over the past two or three years, mainly by Government over-spending and Government continuing to put on tax after tax, after tax when it obviously knows that it has to be hurtful and to the detriment of Caymanians and specifically to Caymanians in the lower economic brackets.

I am prepared to do whatever I can to assist in any way. I would go further to say that in a new Government, if I am a part of it, I will urge them to get the communication going with the private sector and not to leave it on a more limited basis but for the Elected Members of Executive Council themselves to sit down with areas of the private sector and try to come up with solutions, which I know there are solutions to the problems that now exist.

We have done this before. I know it is possible. It is not very nice because sometimes you have to take and listen to criticism which you would not necessarily have if you did not have the Council or the Financial Community Committee (FINCOCO), but I believe it is the only way to find answers and solutions. It has to be by team work between Government and the private sector.

Thank you.

**MADAM SPEAKER:**  
Recreation and Culture.

The Honourable Elected Member for Education, Environment,

**HON. BENSON O. EBANKS:**

Madam Speaker, I rise to oppose this motion and I oppose it on the basis that the reasoning stated in it is flawed and the contributions which have been made by the mover and the Third Elected Member for George Town are even more flawed.

The Third Elected Member for George Town, who just concluded, seemed to have taken for his basis of support for the motion what he terms the deplorable financial position of this country. He correctly stated that at the end of 1988 the Government of which I had the pleasure to be a part, had Reserves of \$19.8 million, I think he said, and he conveniently placed the Reserves of the country for 1992 to be projected at some \$7 million.

The Member conveniently forgot, and I am going to be charitable and say forgot, that the \$7 million projected for 1992 would be derived from the fact that the Budget for 1992 showed a possible drawdown of \$3.5 million from Reserves for capital expenditure. When the Budget was presented it was clearly stated that that was basically a position taken in the event that 1991 did not, in fact, turn out to be a better year financially than had been estimated when the Budget was done for 1991. The Member knows that the present surplus for 1991, although unaudited, is \$5.4 million. So without taking the \$3.5 million from Reserves for capital expenditure as envisaged when the 1992 Budget was presented, the Reserves at the end of 1992, using the 1991 figure plus interest would, in fact, be in the region of \$13.5 million.

If one takes the \$3.5 million which is budgeted for capital from the \$5.4 million surplus coming forward in 1991 that would leave another \$1.9 million which could comfortably be added to Reserves giving a figure of \$15.4 million. In addition, the Government has a Pension Reserve Fund which is budgeted to be at least \$5 million by the end of 1992 which would total Reserves at \$20.4 million.

Now I want to make it abundantly clear that I am not suggesting that Government, because I do not want the Backbench believing that this is what I am advocating, because I know that they would grab it and spend it. I want to make it clear that I am not advocating the spending of the \$5 million of Pension Reserves but it is in fact an amount of money that this Government has seen fit to put by for civil servants' pensions, something that no Government in the past has ever done. It is the first time in history that a Reserve has been created to meet Government's obligation to its pensioned officers. I want to let them know that should they, by any unfortunate circumstances, get in a position to dictate the spending of Government money, that that is set aside for pensions for civil servants and they should not put their hands on it. (Laughter)

The truth is that these people who speak prudence, particular the Third Elected Member for George Town, did not see fit to make any reserve for civil servants' pensions in the past. It is unlikely that he will see the necessity for it now.

The Member still seems not to understand that it is an accepted fact that the motor which turns any country out of a recession is the spending of its populace. When people become concerned and worried and hoard their money, recessions ensue. If the Third Elected Member for George Town and his cohorts had been in charge during 1991 and 1992 that is what would have happened to this country. The Member refuses to accept that this Economic Development Unit, which he praises and claims he would listen to but obviously discards their advice and their findings in this regard, has stated quite emphatically that the \$10 million which Government paid to its civil servants in 1991 by the multiplier effect represented some \$65 million in the economy.

If you add to that the extra \$10 million that Government is putting into the economy in 1992, then we have put over \$100 million into the economy over the past two years. On top of that, we have kept faith with the Civil Service and have been able to pay them their rightful wage.

**MADAM SPEAKER:**  
the break?

Honourable Member, would this be a convenient time to take

**HON. BENSON O. EBANKS:**

Yes, Madam Speaker.

**MADAM SPEAKER:**

The House will be suspended until 2:15 p.m.

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

**HOUSE RESUMED AT 2:20 P.M.**

**MADAM SPEAKER:** Proceedings are resumed. Debate continues on Private Member's Motion No. 3/92, the Honourable Member for Education.

**HON. BENSON O. EBANKS:**

Thank you, Madam Speaker. The Third Elected Member for George Town made much of Government's borrowings. Again, that is not totally correct. The borrowing by Central Government is negligible. Borrowings which Government have guaranteed is where most of what they are regarding as public debt, comes from.

What are the entities that borrow this money? It is the Port Authority? An essential service, one that pays its way and is capable of repaying any borrowing that it might have. Next, is the Water Authority, which again is a viable concern an essential service and one which can pay its indebtedness? We go on down the line. The Civil Aviation Authority and last year the Civil Aviation Authority in addition to paying its debts contributed half a million dollars to Government revenue.

If one listened to the Third Elected Member for George Town and his Backbench supporters you would believe that this Government is spend-thrift and spends money wildly.

I would like to ask that Member whether he considers the building of the new Immigration Offices and repairs to existing offices a luxury or a grandiose scheme? The expansion to Radio Cayman? Does he place the building of the Community College in that category? Or the West Bay Primary School? Or the building of the multi-purpose hall and other repairs at the George Town Primary

School? Does he put those in the category of grandiose schemes or unnecessary expenditure? Madam Speaker, especially when the Education Review in 1981, when that Member was the Member for Education said that a multi-purpose hall was required at the George Town School then.

Does he consider the building of the second George Town Primary School at Red Bay a grandiose scheme or building monuments to present Members of Government? Madam Speaker, these are essential expenditures for the good and benefit of the people of this country. Does he consider the \$10 million worth of repairs to the Owen Roberts Airport, the resurfacing that was just completed a grandiose scheme? No, the only project that they can flog as grandiose is the new proposed hospital and that hospital is needed. It is an essential part of the infrastructure of this country if we are going to continue to attract tourists, long stay visitors and people to do business in this country. Nobody in that category is going to continue to come to a country if their health services degenerate.

The biggest criticism of that facility is because it is going to be built on marshy land with three feet or two feet of peat mud on top of solid rock. And, you know the Member talks about getting local expertise to advise Government. The greatest opponent, the most vocal opponent, after the Member for George Town and I will deal with him after, the most vocal opponent of that project is Mr. Moxam whose only successful endeavour in life was reclaiming swamp land and selling it. Where the Hyatt Hotel is, was swamp. All the buildings along the canal - swamp; and as for the Third Member for George Town his home is built on reclaimed land where the swamp was 12 to 15 feet deep.

**MADAM SPEAKER:**

Honourable Member, I think you have made your point. Would you just shorten your further debate on that issue, please?

**HON. BENSON O. EBANKS:**

Madam Speaker, the point has to be made that this question every opportunity they are talking about the Hospital in the swamp, or whatever, as though it was the only building in Cayman that was built on reclaimed land.

The Third Member for George Town wondered how it was that the Member for Tourism and myself, could be part of a Government that accumulated \$19 or \$20 million in Reserves between 1984 and 1988 and have not been able to duplicate that performance between 1988 and 1992? The fact is, from 1984 to 1988, the United States and the world were going through the longest uninterrupted boom in history and Cayman as a result enjoyed that boom. Conversely, the world, not just the United States, the world today, for the last two years has been going through its worse recession since the 1920s. The United States, Canada, the United Kingdom, Europe and even Japan are all going through recessionary times. When compared to the world situation, the Cayman Islands has fared well. The Cayman Islands has done very well given the world economic situation.

As an example of what I am talking about, let us compare similarly based economies and certainly Members would have recently read where in Bermuda at their most recent budget presentation they, in addition to having to raise taxes, announced something like a \$60 million borrowed capital expenditure programme in order to inflate the economy. We have been able, through prudent planning and expenditure, not to have to resort to that great an extent.

I am cognizant that we have had a downturn in our economy in Cayman over the last two years but I made the point earlier and I repeat it, that had Government adopted any less of a positive attitude toward its financial obligations and spending, the economy would have been worse off and I will get to this in detail later.

That has not fuelled inflation as this motion suggests and as the speakers who have spoken claim. Statistics show that inflation is going down. It is moving in the right direction and the Third Elected Member for George Town would have us believe that this is the first time that there has been inflationary periods or pressures in Cayman. I want to read from the *Hansard* of this Assembly on Wednesday the 25th of November, 1981. This is what the then Member for Tourism had to say: "One Member commented that the increase in projected revenue for 1982 over 1981 was only 8 per cent and was worried about the inflation and that the increase would be eaten up by inflation. We project 8 per cent, we probably will be as lucky as we were in 1981, and that 8 per cent will probably grow to 9 per cent." This is a very enlightening paragraph of history, Madam Speaker. "The Honourable Financial Secretary has told me that the projected inflation for 1981 will be around 10 per cent. Maybe less, so we sort of balance it off."

He continues: "So we should not worry [and the Member for George can listen to this because I think he was talking about him.] "So we should not worry, we can make our own inflation as well as we can make our own recession and if we listen to the pessimists, particularly some of them in this House, we are building our own recession. One Member stated that it was alarming to know the large increase in recurrent expenditure of 18.9 per cent and that this was not prudent." So, Madam Speaker, what we learn from this is that revenue in 1982 was expected to grow at only 8 per cent and that it had only grown by 9 per cent in 1981. Inflation was expected to be a whopping 10 per cent.

That is not this Government, this is the end result of the stewardship of the Government of the Third Elected Member or George Town who seems to know so well how to manage economies. The truth is history does not bear him out.

On the next day the 26th of November, 1981, the same Member was talking about unemployment and this is how they put it off - that section represents mainly the sector of the community that will never be employed. That was how they regarded the unemployed people in 1981. We worked at it, Madam Speaker. We spend what is necessary to keep our economy growing. As I said, we have some unemployment. The last figures from the Labour Office show that there was 68 people registered for jobs. 28 of those were non-Caymanians, but had Caymanian spouses. There were 42 job vacancies registered. In other words

there were 42 people needed to fill job vacancies. So, all in all things are not that bad and as I said, if we believe things are bad in Cayman, check the comparable economies in this area around us including far off Bermuda and check with the United States and the United Kingdom and let us see who is doing best.

The Third Member for George Town mentioned Government's action a few years ago in placing a moratorium on hotel construction on the Seven Mile Beach. In any event that action really did not prevent any hotel rooms from being built. In other words, there were in fact, no applications for hotels during that period. But let us assume that there had been, and I am glad that there were not because had there been two to three to four hundred more hotel rooms on that beach during the 1990-1991 and 1991-1992 winter season, we would have seen in my opinion, hotels closed.

It is an irrefutable fact that this country is eminently better off having hotel rooms or hotels operating at capacity or near capacity so that they will have the earnings to keep up the property, to provide services, keep the grounds and everything in top shape. The day that this country is going to get a black-eye is when hotel occupancy falls below the economic level and properties begin to decline in standards. We are better off having taken the decision to attempt to allow the hotels now here to make a reasonable return and keep their properties in good repair.

I only have one more reference to what the Third Elected Member for George Town had to say and that is in respect of his reference to consultation with the private sector. He sought to strengthen and emphasise the point that while he knew it was sometimes difficult, it could be done because it had been practised in his day. I am going to answer that statement by a question and ask that Member whether the results of that consultation, that amicable and friendly relationship resulted in the famous bend or break statement in this House, about the banking community?

It has been argued by Members who have spoken that Government's action is responsible for the inflationary pressures on the economy. I beg indulgence to read the penultimate paragraph of the news release from Government Information Service made on the 4th of February, 1992, when the Consumer Price Index for 1991 was published and before going into the details of the statistics I want to read that paragraph which is a general statement. "The underlying rate of inflation continues to decline as the economy slows resulting in lower prices for some goods which are imported from the United States." So the inflation rate continues to decline and if this motion seeks to reduce inflation then according to the statistics, it is unnecessary and superfluous because that is happening anyway.

If we go to the statistics themselves one of the claims is that food prices have escalated and the December 1991 figures show that September to December the price on groceries went down by .2 per cent and that over the year it declined by 1.2 per cent and that the year to year rate of inflation was 6.6 per cent - December to December. Whereas, December 1989 to December 1990 it was 8.9 per cent, so the inflation is moving in the right direction. The claim by the First Elected Member for West Bay and the mover of this motion, that both short and long term figures indicate a trend towards a higher rate of inflation are just simply not there.

Both Members who have spoken, that is the First Member for West Bay, the Third Elected Member for George Town seem to have been attempting to make the point that the answer to the inflationary problem and in fact, of what they considered Government's economic woes, was to broaden the base of the economy, to create more jobs, but in all of their deliberations I did not hear one single example of how new revenues were going to flow to Government from any of their proposals.

What I heard was a conglomeration of proposals suited to an economy where there was rampant unemployment, where large numbers of people are in need of employment and where the Government was prepared to make concessions in order to provide jobs for those people on the basis that they would get their investment returned from the income tax and the taxes on consumption from the money which those people spent.

There is only one factual statement as far as I am concerned that was made and it is the key to the weakness of their argument. That statement is that labour costs appear then to have spiralled as competition by employers for the limited amount of workers has increased. Now they are talking about our economy and that is after saying that the cost of doing business in Cayman, salaries and wages, accounted for 31 per cent of the total cost of doing business. I agree with that, Madam Speaker, that is our situation. Even though because of the fall off in tourism during the last year there are a few people out of work, we have read that in the paper only yesterday, the financial industry is in good sound, solid health. No decline. So the area of unemployment then is represented by the fall off in the tourism industry.

As I said, we have a situation in Cayman where already more than 50 per cent of our labour force is imported labour. That is being generous, that is being generous, because that 43 per cent that is counted as Caymanian includes persons of Caymanian Status, regardless of how recently acquired. I am saying this to highlight that even though they may have Caymanian Status, to all intents and purposes they are still expatriate labour, as far as our general population is concerned. Any country in my view, that has more than 50 per cent of its labour force non-nationals, if it is not carefully managed is heading for trouble.

The solution to this problem, as I said, in the eyes of the mover of this Bill is for us to create free-trade zones and the suggestion was made that since we already have no income tax, we could offer incentives such as infrastructural development in the form of roads. As I said, nothing was said as to whether any form of taxation would derive any form of income to Government from this. All I have seen is expenditure. If it is one thing that this country does not need at this time is more traffic on our roads, more pressure on our schools, more pressure on our hospital services, or any other Government services and we do not at this time, need more imported labour.

I wonder if this free-trade zone is not in fact this grandiose scheme that the Backbench talk so much about? As far as I am concerned a free-trade zone can only represent

one of a few types. One is where goods are brought in and reshipped, without any local addition or and industrial estate is created where you have warehouses and roads, lights, water, sewerage and the rest and there is some light manufacturing in that. But, as I said, whom would we be building this for? Do we in this country need to provide labour for persons that would have to be brought in to do the work? Whatever that type of free-trade zone might be, leave that reshipping business in Jamaica where they have unemployment as high as 20 and 30 per cent, or leave the light manufacturing in Haiti where the people are, in droves, unemployed.

What this country needs, in my view at this time, is a period of consolidation. Let us ensure that the industries which we have going, the hotel industry and the off-shore industry, the financial industry, are done to the best possible standard. Let us ensure that we do not get so carried away with labour demands that Caymanians get lost in the rush. Let us ensure that the product which we sell, which we have to offer is top notch and that can only happen where we have a period of consolidation.

Let us take the tourism industry. This Island sells a slogan that goes something like this, "they are friendly, they are quiet and they are nice and that our greatest asset is our people." If we go on to develop tourist accommodation to the extent, and do not get me wrong, this already exists, there are restaurants for example in this country that you go in there and you do not see one Caymanian serving. But I am taking it further, if we develop further to the point where when you get on the plane a non-Caymanian voice greets you. You get to the airport, non-Caymanian Immigration and Customs greet you, you get out the door, and a non-Caymanian taxi driver takes you to your hotel and you get there and you are attended by persons, again, with non-Caymanian voices.

What is there Caymanian about that experience, other than the road you drive on, the beach you lie on and the water you swim in? You may as well have gone to any other destination where those voices in unison would have sounded better than they do out of place in this society? I am saying that we must have a period of consolidation. I hear a Member across the floor that I have been preaching this for years. That is true!

**MR. W. McKEEVA BUSH:**

*(Interjecting)* What have you done about it?

**HON. BENSON O. EBANKS:**

We introduced the moratorium ...

**MADAM SPEAKER:**

Order, please.

**HON. BENSON O. EBANKS:**

....on hotel construction and we took whips for it.

**MR. W. McKEEVA BUSH:**

*(Interjecting)* Every election year you talk like that.

**HON. BENSON O. EBANKS:**

We took whips for it, Madam Speaker.

**MR. W. McKEEVA BUSH:**

*(Interjecting)* And you do nothing!

**HON. BENSON O. EBANKS:**

I am saying that it is one thing we do not need, is more expatriate labour to come in to service this free-port business that I have heard here.

Madam Speaker, I said that I saw nowhere in this proposal where there was revenue for the country but I see lot of expenditure. I would prefer to take the route that what money we have to spend on roads, we build roads for our people to drive on, to be able to get to their houses in peace and safety. Not to create more traffic jams by putting heavy equipment on our roads after having to spend millions, if not hundreds of millions of dollars, to create these complexes that they are talking about.

In presenting his motion the First Elected Member for West Bay said that Cayman is unknown in the European Community and we should expand the selling of our financial business there. According to my information at last count we had 450 Banks and Trust Companies registered in this Island, 142 or 26.3 per cent are from the United States; 107 or 23.8 per cent are from the European Economic Community; and has for the Pacific Rim, (I will give a couple of figures) Japan, 23; Hong Kong, 9; Indonesia 15; and on down the line. So, Madam Speaker, we are in good shape with the financial industry. We heard the financial industry say that yesterday themselves in the paper.

The first Resolve of the motion says:

"BE IT THEREFORE RESOLVED THAT Government set up a Task Force which should:

- (a) investigate the procedure used at Caribbean Utilities Company to examine the electricity consumption patterns; and
- (b) the related rate structure, with a view to reducing cost to the consumer;".

That makes beautiful reading and it sounds good but what is the reality of it? Caribbean Utilities Company operates under a 20 year franchise or 25, as the case may be, not too long ago granted. I must ask the question how would this proposal fit in with the requirement stated by the First Elected Member or West Bay and the mover of this motion, that in order to stimulate investment in this country we had to work at giving those would-be-investors or investors a sense of security?

The company is operating under a franchise, yet it is being proposed, I assume, by some method to reimpose or impose restrictions further than what are included in the

franchise. I am suggesting that the provisions within the franchise are adequate to police the operation of the company and to the best of my knowledge the Finance Department of Government examines the accounts and the return required to be made under the franchise at any time an increase is asked for. It is my further understanding that the franchise gives Government the authority to call for an independent audit of the company and it seems to me that that is sufficient. Government can employ in the course of that audit any expert, be it in accounting or electricity production in order to ensure that the terms of the franchise are being observed.

I hope that I have been able to show and to prove that inflation is on the decrease, not on the increase, that Government has not wasted its money, it has spent it on necessary infrastructure for this country. I hope also, that I have been able to demonstrate that the suggestions made in the presentation of this motion, rather than curing ills, will create more and greater ills for us. Above all, I hope that I have been able to demonstrate that any shortcomings which this Government might have the answer to their correction and the betterment of the people does not lie in the alternative of a Government composed of the Backbench.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. I rise to offer my support of Private Member's Motion No. 3/92 entitled Reduction of Inflation and Cost of Living. I am not surprised that the Government and especially the Honourable Member for Education opposes this motion which deals with the cost of living in this country because it is evident from their track record, that is the Elected Members of Executive Council, that they have no sensitivity at all about the little man in this country. They have no interest in the people of this country.

I feel that the requests in this motion are good, are sensible and are areas that everyone in this country at the present time is affected by. In its greed and its unending demand for more and more money to spend, this Government has created a very serious position in this country.

In July 1990, under the guise of a Civil Service pay increase they introduced a \$10 million tax package. In November 1991, in an attempt to balance their budget, they introduced another \$10 million in taxes and the accumulated position is that you are talking about \$20 million in taxes in 15 or 16 months at a time when our country is experiencing a recession. It shows you the level of expertise among the Elected Members of Executive Council because one of the basic principles of economics is that you do not introduce taxes in the middle of a recession. You do the opposite. You cut taxes, Government spends money that it has saved over the years in order to stimulate the economy. They have done exactly the opposite.

To aggravate the situation further, the cost of living has gone up but wages, the earnings of our people have not kept pace. We have some people in our country at the present time who are employed in the tourist industry where they get two or three days a week worth of work. Their expenses have not been reduced, they still have their mortgages to pay, their rent and the school lunches for their children.

The Backbench did not bring this motion for political mileage. The Backbench brought this motion because of our concern for the people of this country. You talk to nine out of 10 visitors to this country and the recitation is the same. You have beautiful beaches, a good clean environment, good people but the cost is much too high. Recognising that tourism is one of the pillars of our economy, we must be sensitive to these statements and see what we can do in order to address the situation. I feel and I made this point in my contribution on the Budget Address in November, that the time has come when Government and the private sector must get together in consultation with an aim to reducing costs in this country.

On the issue of Caribbean Utilities, there are certain factors that must be recognised. Caribbean Utilities is a monopoly. It provides a very essential service to this country but that service especially in light of the fact that there is an absence of competition must be produced or offered at a reasonable cost. I think personally, I do not know who is responsible for drawing up the contract, but I think it is ridiculous for Caribbean Utilities to be ensured of a 15 per cent return on its money. My question is, who checks the base upon which this rate is calculated? I think this country has to recognise, as Government did some time ago, that things have changed in this country. Back in the 1960s we had to go out to recruit people from overseas and in order to attract them to these shores, you had to give them all kinds of benefits. Government was paying gratuities. I think at one stage I think it was 33 1/3 per cent gratuities, on contracts in order to bring people in to provide a service in this country.

But that situation is slowly but gradually changing. We now have Caymanians who are qualified, who can produce the same service at a much more reasonable cost. So even Government has had to look at the situation differently and say, all right, before we were giving you a housing allowance, we were paying you 15 or 20 per cent gratuity on your contracts, now we are not going to do that. We will guarantee a decent salary but you go out and make those arrangements yourselves. I feel the same situation exists with regard to monopolies in this country. When Government was running CUC, I remember those days, the service was not very dependable. It was not very consistent and I think the decision to sell it to a private outfit maybe was a good one, but this is a service that effects every citizen in this country, including people on fixed incomes. Including people who get their little monthly check from Social Services of \$40 or \$50 per month which is the extent of their income.

For Government to be in a position where, in its greed and in its demand for revenue to go out and increase the taxes on diesel which is burned by CUC to produce electricity, was unconscionable, Madam Speaker. They said it was not going to increase the cost of living. Everything that we use in this country, uses electricity. The merchants use electricity to run their operations so any increase in the area of utility bills are going to be passed on to the consumer.

I feel we have reached a point in this country where we have to have a very hard look at the financial position of Government and also of the conditions that exist in this country. The time has come when we have to say as far as Government is concerned, Government is too big, we need to be in a position where we can offer the people alternatives as far as services are concerned. If it can be provided by the private sector, then Government should be in the position where they allow the private sector to offer that service.

The Civil Service each year continues to expand. It has reached the point where, I think it was in the 1990 Budget Address when I was dealing with the issue, salaries and benefits to civil servants comprised something like 57 per cent of the recurrent expenditure.

It is necessary for us to have a forum in which Members of Government, and members of the private sector who are involved, can sit down, put their ideas together and come up with sensible solutions to our problems. But the problem with the present Government, which is led by the Member for Education from West Bay, is that they refuse to listen to anything, anyone has to say. He is an expert in everything, Madam Speaker.

When it comes to CUC, I do not see the company having any great objection to sitting down and communicating with Government on addressing the need of reducing the cost of its service to the consumer. It is a give and take situation, you know. Government cannot increase the taxes and then say to the utilities company you cannot pass on your cost, it has to be a mutually agreed upon situation. It is time that we have a Utilities Commission established in this country that deals with controlling the services provided by utilities in this country. If you were to do a comparison with what CUC gets as a return compared with other utilities in other areas, you would find out that it is an exorbitant return.

The Member for Education had quite a bit to say and really did not say anything. He said the reason why Government was opposing this motion was because the cost of living, in his words, were not really too high, inflation was on its way down so you did not have to do anything about it. My attitude has always been, when you have a problem, the best approach is to recognise you have a problem, address the problem and hopefully come up with a solution. He said in an attempt to justify Government's taxes that Government was justified in raising taxes in order to spend money to keep the economy moving during a time of recession.

It is true that Government should be in a position where it is able to spend money during a slow period in order to stimulate the economy or keep it going. In most cases, Government does that from savings that it has built up over the years when things were good. This Government has refused to do that, they have continuously drawn-down on the reserves of this country to the stage now where those reserves stand at approximately \$9 million. He also tried to disclaim the fact that there are many Caymanians at the present time who are looking for jobs. Maybe he is not aware of these because I am not sure how many go to him. But they come to me and the First Elected Member for West Bay all the time looking for assistance in finding employment.

He says the latest figures from the Labour Office is 68 people are out of jobs or registered as unemployed. I check the Labour Office too, Madam Speaker, but what they do they have a policy in that after three months they do a dump. Those people who were on the list, if you do not check back with them, they assume that you have found a job, and they take you off but according to the Statistics Unit, at the end of October, which was their latest information, there were approximately 6 per cent of our people who were unemployed.

**MADAM SPEAKER:**

Would you take a suspension at this time Honourable Member?  
The House will be suspended for 15 minutes.

**AT 3:29 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 3:52 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed, debate continues on Private Member's Motion No. 3/92, the Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. When we took the break I was dealing with some of the comments made by the Member for Education. That Member continues to live in the past and some of the information that he threw out was also outdated and from the past. He said that there was something like 450 banks presently licensed in the Cayman Islands, according to my information, the number of banks presently licensed in Grand Cayman is about 540. About 100 more than he said was on the books. He also mentioned that his Government has been accused by the Backbench of being a spend-thrift Government.

That is not a false charge, that is a charge that can be substantiated by the track record of the present Government. To give you an example of what we are talking about, that is that this Government has been a Government of uncontrolled spending, a Government of deficit financing and a Government that totally disregards the limitations of financial resources in this country.

In November 1990, when the Honourable Financial Secretary did his Budget Address, on page 65 he basically outlined Government's financial position for the year. He said and I quote: "As a result the revised 1990 deficit of \$18.3 million before 1989 carried forward surplus and transfers from General Reserves is higher than the original estimate of \$8.1 million."

General Reserves mentioned. He said:



"General Reserve balance at the beginning of the year stood at \$18.2 million. The interest earned during the current year is expect to total \$1.4 million which produces an estimated total year end of \$19.6 million. It is proposed in the 1990 Revised Budget to transfer \$7.8 million from General Reserves to General Revenue thereby causing a reduction in the Reserve position to \$11.8 million."

Madam Speaker, that is the reason why they had to raise taxes in 1990 and again in 1991 because they continued to spend more money than the country was able to generate, so they had to close the gap through taxing the people. In the 1992 Budget Address which was delivered on the 15th of November, 1991, he said: "Revised estimates for 1991 indicate a total Government expenditure of \$127.8 million which exceeds the original estimate of \$124.3 million by 2.8 per cent.". That figure rose to \$127 million in 1992 from \$118.6 million in 1991. Now, this is Government's expenditure in an environment of recession, of economic slowdown and in a time when Government should have been presenting a very conservative budget. Government totally disregarded the economic factors and the economic situation and said we are in good shape, let us go out and tax the people in order to fund our budget.

In my opinion this Government, that is the Elected Members of Executive Council, led by the Member for Education, has been a Government that has been very reckless as far as its financial responsibilities are concerned and one that has been insensitive to the needs of the people of this country. What amused me was the sudden change of heart that the Member for Education all of a sudden has adopted. All of a sudden now he wants to see Caymanians employed and he wants to control the level of Immigration. That Member believes that he is going to continue to fool the people of this country into believing that he has their interest at heart. I feel that the people of this country recognise who has their interests at heart and that interest has been expressed from the Backbench not the Elected Members of Executive Council.

He also said that the people of this country do not need a Government from the Backbench - the next Government. Regardless of whether or not he wants to face the fact, the next Government to be elected which is scheduled for November 1992, will be made up from Members of the Backbench. And if we, here on the Backbench, can have it done, he will not only not be a Member of Government, we do not even want him to be a Member of this House.

I feel this motion is a good one, it attempts to address a very serious issue in this country, the issue of the high cost of living and inflation. I feel that we as Backbenchers have carried out our responsibility in bringing to the attention of Government a need. We have supported and defended that need but Government as usual continues to ignore any requests regardless of whether it is good or bad on the mere premise that is brought by some Member from the Backbench. You always know regardless of whether it is good or bad, they have the eighth vote in the First Elected Member for Cayman Brac and Little Cayman. I support this motion and I trust that if Government will have a change of heart, will do the same. Thank you.

**MADAM SPEAKER:**

Would any other Member wish to continue the debate? If not, I will ask the First Elected Member for West Bay, the mover of the motion if he would wish to wind up?

**MR. W. McKEEVA BUSH:**

Madam Speaker, first of all I would like to thank the Members for supporting those who have supported the motion and to thank the Honourable Financial Secretary for his contribution.

There has been much said about this Resolution. We have heard from two Elected Members on the Executive Council and they have found every conceivable excuse why they should not support or accept the recommendations put forward in the motion. When you are the Member responsible in Executive Council, you can give some excuses that sound laudable but that does not change the facts. The facts are that we have high prices and a high rate of inflation.

The Member for Tourism talked in some length about tourism industry possibilities, what is good and what is bad and why they cannot support any of the recommendations in the Resolution. It will be remembered that the Member for Tourism had a good excuse in 1990 when I suggested the lengthening of the Owen Roberts Runway. That idea was scorned and what happened in October 1991, a jet ran off the runway. Had they taken the idea or even if they were smart enough to think of it before and get it done, then that might not have happened. Or if they had done something in the 15 months prior to October, maybe the plane would not have gone into the sea.

But I realise these past three years, going on four years now, how these Members operate. They do not want to give creditability to anything that comes across this House. If we say two and two is four, they are going to say no, it is eight. That is their answer and that has been their attitude. The Member for Tourism did compliment me, however, on the able presentation of the motion and he thought that there were a lot of facts in it.

The Member for Education however, comes across and talks about all the nonsense, there was nothing good in it and that is indicative of why this country is in trouble. In talking about getting some seminars between the private sector and the Government to look at our costs - cost of living and inflation - what I got from the Member for Tourism was that you do not need to do that because business people accept and calculate in such a way as to bring down costs.

This might be true but as the motion says this is really not happening and cannot happen because Government's policy of taxation. Government put taxes on everything, the business man has to put it on and it passes on to the public. Recently there was several exchanges in the papers between the private sector and at least the Member for Education as to who is to blame. My point is that it is

useless to blame this one person, and then the next, that has not got us anywhere. I say let us get together, put these seminars together and between Government and the private sector come up with ways and means to bring down the high cost of prices in these Islands. Nobody else can do it, Madam Speaker, it has to be the businesses and it has to be Government because they are the single components in the cost of rising inflation today.

The Member for Tourism went on to talk about the clothing industry as one of the light industries which might be developed here. But I did not use the clothing industry as an example because I realise that that sort of industry, while it is considered to be a light industry, in terms of labour, it is at most times a very intensive industry and I know this is not one of the areas that might not be suitable for these Islands because of the high labour rates. Labour rates and tax concessions are two factors used when industries such as a clothing factory use when they think about locating to a country.

In spite of what the Member for Education might like people to believe, I for one very well understand that we do not want to import labour in such areas. When we look at what is happening, for instance, with the seasonal workers from Ireland we understand why. The Member for Tourism asked the question about importing labour and of course the Member for Education took the same political line of questioning. This is a question the Member for Tourism, himself, should answer because he is responsible for labour and the Member for Education is responsible for training in the country.

To tell them what is happening that the seasonal worker here is holding jobs, while Caymanians and those with Cayman connections, are being laid off - given less days to work. So we do not have to have clothing industries for it to happen, it is happening now in the tourism industry and the Member should really do something about it. Do not come here and play politics with the motion by putting in these side tracking issues about the importation of labour. The Member for Education, as usual, thinks because he speaks, what he says is law. He seems to think he has a prerogative on brains in this House - not only in this House, but also in the country. He is one of the reasons, one of the causes why this country is in trouble today.

It seems the purpose of his debate was to prove that the motion is not needed, or the motion is going to do some great disservice to these Cayman Islands. He gave that impression by saying there is no room for diversification of the economy by doing some of the things I suggested. Those suggestions were that Government actively pursue or encourage small, light industry. Madam Speaker, I did not recommend heavy industrialised companies for these Islands for instance, the making of cars. That would be ludicrous in our kind of economy and our kind of small population. What I suggested were such things as data processing which is not labour intensive. We are today teaching computers in high schools, we have computer courses at the Community College and we have 300 odd children coming out of our schools each year. This is where I would be looking to to get employees for this kind of light industry, not imported labour from a far off land as the Government policy is today. That would be his policy, that would be the policy of the Member for Education since he even has outside labour doing his garden work.

The Member for Education talked about work that was done here in the Island by the Government in the past couple of years. The fact remains they had to borrow the money because they used up the General Reserves. He talks about these few buildings like they were millions of dollars they had spent, when in fact, they are the West Bay Primary School classrooms which was only \$400,000 odd. Even at that, they were not the prudent financial managers the Member is now claiming because now they have to cut out walls in some classrooms in order to make some windows and this is a building just finished. My question is, where is the prudent financial management? My question to the Member for Education is, where is his responsibility? At the least the Member should have gone on site and saw what was taking place with the building, this is the country's money. But he does not care, he really does not care. He believes that because he can get up in this House and talk a lot of rot, that that is the end of it.

But, they must understand that the group of them in Executive Council do not possess a monopoly on virtue, good ideas and constructive concepts. The Member for Education must understand that they do not desire to do constructive things for the people of this country anymore than we do. The Member for Education went on to talk about the Civil Service Pension Scheme. I really had to listen to that Member talking because he made the accusation that we would take the Civil Service Pension Reserve. That man judges our corn by his bushel or our cloth by his yard stick. What we say we will do, Madam Speaker, we will do. We never said anything about the Civil Service Pension. We know that the Civil Service Pension should not be touched, should not be counted as General Reserves as the Government is doing. It is not a General Reserve, it is the Civil Service Pension, it belongs to the Civil Service.

Furthermore, the one thing the Backbench recommended to be put into the new constitution if it comes was that the Government would not be able to take and use the pensions as they wish. But did he support it? Madam Speaker, he should go and hide.

When you look at what he said in 1987 concerning pension investment and was trying to hide it, we can see his false attire and it is especially brought to light in a document from Fredrick Gordon Smith. During a meeting with the Members of the Legislative Assembly on Friday the 15th of May 1987, he had this to say: "In Antigua for example, the fund had a \$5 million mortgage on the Halcyon Cove Hotel which was owned by the Government. The term was 20 years and the rate of interest 8 per cent. Mortgages could also be granted on ordinary residential properties from this fund." And, Madam Speaker, what I am talking about is the way this man speaks and blames people for things, makes accusations on peoples character and tries to make people believe that he is angel. Here is what Mr. Fredrick Gordon Smith wrote and perhaps I believe I would challenge the Member for Education, Mr. Ebanks, when it says this, "Mr. Benson suggests the reference to this be omitted."

That is in the Member's own handwriting. What is he saying. Do not tell the Assembly Members that we can do this or this is what we will be doing, or this is our plans if we get the Pensions and he comes here to talk about Backbenchers. Do not judge our cloth by his yardstick.

The Member for Education went on to talk a lot about the incentives that we said perhaps could be given as a way of drawing some of these light industries to Cayman. I maintain that any prudent well thinking Government would discuss these matters with any potential investor. Perhaps they do not have the knowledge, the expertise to do it. Of course they would have to get a consultant to do it. He says he cannot see where the revenue to Government would come from in these light industries. It would come from fees, the same as where we get it from today.

He talked a lot about the matter of infrastructural assistance. Does this country not have an Industrial Park in the North Sound area of George Town? Did Government not widen and upgrade that road some time ago? I contend that anywhere we go in Cayman to put down a road, drains and so on, it would help Caymanians and residents as well as any investor. In fact, what we must do and would do is to ensure that the general public could use it. Madam Speaker, the Member said that these incentives would cost millions, hundreds of millions, he said. Of course this is an election year and the Member is in the worst position he has ever been in so he has to try to get some mileage.

May I remind this House and may I remind this country and may I remind the Member for Education who chooses now to sit outside and will not come in and listen. Did we not build sidewalks and fancy drains on the Seven Mile Beach Road in front of foreign businesses, hotels, condominiums, and so on? Who is working in some of these restaurants and hotels? The Member himself said he did not recognise voices and so on. If he knows this is so, is he not in the position to do something about it? Is he not on the Executive Council? It is amazing how that Member can talk with tongue in cheek and it is a wonder he does not bite off his tongue.

The most glaring issue of incentives, if they could call it that, was the SafeHaven project. I wonder why this Member would not come into the House, Madam Speaker, so he can listen to what is being said and the two Members on Executive Council? Why do they not listen? Or have they already come to the House with their minds made up that this motion should not be passed? The SafeHaven project, was that land not owned by Government? How much did we get for the 200 odd acres? To top it off, Government recently extended the lease by 60 years, I believe, what did we get for it? That Member for Education has the audacity, had the temerity to come here and ridicule me for suggesting incentives for light industries such as a data processing. Why does this Member not take his politicking and stay home? They just extended the lease for 60 years, but yet he gets up there and ridicules this Backbench and talks about our incentives would cost millions of dollars.

He does not know what he is talking about and he should sit down and keep his mouth shut. He has nothing constructive to say about our situation, while he is the cause and his tactics have been every election year or the year before he comes to this House with his crocodile tears trying to show how much he cares about our people and their employment chances. Madam Speaker, I think that the Member while he is quoting Government statistics, should look at how many work permits have been granted and in the areas that they have been granted in 1991 over 1990 since he and the Member for Tourism are so concerned about this labour problem.

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

**MADAM SPEAKER:**

Honourable Member, it is now 4:30, will you be finishing shortly?

**MR. W. McKEEVA BUSH:**

No, Madam Speaker. I plan to go on much longer.

**MADAM SPEAKER:**

I will ask for the motion for the adjournment at this time.

**ADJOURNMENT**

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

Madam Speaker, I move the adjournment of this Honourable

**QUESTION PUT: AGREED.**

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
FRIDAY, 13TH MARCH, 1992.**

**FRIDAY  
13TH MARCH, 1992  
10:11 A.M.**

**MADAM SPEAKER:** Prayers by the Third Elected Member for West Bay.

**PRAYERS**

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

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the 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 in the Legislative Assembly are resumed. Statement by Member of Government. The Honourable Member for Health and Social Services.

**STATEMENT BY MEMBERS OF GOVERNMENT**

**BODDEN TOWN GRAVE YARDS**

**HON. D. EZZARD MILLER:** Thank you, Madam Speaker. Madam Speaker, I rise on this occasion to report a happy resolution on a matter which has been causing a great deal of concern to residents of Bodden Town. Residents of the district had serious complaints about the threat of encroachment and damage to grave sites at the Bodden Town Cemetery as a result of a proposed construction of a fence by the owner of an adjoining property.

The Portfolio for Health has conducted negotiations with the representatives of the owner of the property bordering the cemetery. We are very happy to report to this House that a compromise has been reached. The owner of the property has agreed to amend the plans for the fence bordering the property, so that its construction will pose no threat of damage to the nearby graves. This involves a donation of 1,176 square feet of land along the south boundary, and an exchange of 465 square feet for 400 square feet along the east boundary.

We are very grateful to the owner, Mr. Ralph Engelstad and his representative, Mr. Robert Bodden, for their cooperation and reasonableness in the resolution of this matter. It is proposed to construct a six foot high concrete fence on the west, south, and east boundaries of the property thereby securing the graveyard permanently. Thank you, Madam Speaker.

**MADAM SPEAKER:** Government Business, Bills. Continuation of the Debate on the Second Reading of a Bill entitled the Loan (George Town Hospital) (Amendment) Bill, 1992. The Second Elected Member for Bodden Town.

**GOVERNMENT BUSINESS**

**BILLS**

**SECOND READING**

THE LOAN (GEORGE TOWN HOSPITAL)(AMENDMENT) BILL, 1992

(Continuation of debate thereon)

**MR. G. HAIG BODDEN:**

Madam Speaker, I object to the Bill which is before the House. The Bill seeks to divert funds which had been earmarked in 1990 for certain improvements at the existing Hospital in George Town. I question why these funds have not been spent for the purpose for which the funds were borrowed.

It seems that the strategy used in this instance is the same as the one that has been used for the roads where necessary improvements were not carried out on pot-holes and on main roads and so that the Member can justify the grandiose schemes that he has in mind. It is my recollection that when the original Loan Bill came to the House the Members were told that it was very urgent, that these services were badly needed and they could not wait so the Government would have to extend itself further and take on a new loan.

The Backbench supported the loan in 1990 for the purpose of improvements at the Hospital. Today we are told that it is necessary and perhaps even urgent to change those services and to do other things, and also to acquire land for the new Hospital. What the Bill is asking for according to the Memorandum is that the entire \$1.5 million be given over to the Health Authority to spend, more or less, as they like. This could never be right. We are constantly told, without very much substance to back it up, that the Island is going to be provided with a new hospital for \$16 million. Since that time, I have heard about a figure of \$18 million to include Faith Hospital, and now today we hear about a part of this \$1.5 million to be used in the cost. It seems to me that the Government will get the money for what they want to do no matter how they have to get it.

They have started to raid every little piggy bank the Government had. If they get away with this, taking these funds from these special projects and putting it into the new Hospital, I am afraid the Backbench would not be worth its salt if it did not oppose such a move. The Members probably all understand that this Hospital does not belong to the Member for Health alone. He is catching a lot of criticism for it but the reason why we have it is because his three Elected friends in Executive Council want it far more than he does. Already, especially the Member for Communication and Works, is trying to hide under collective responsibility and whispering that he is supporting this because of collective responsibility.

Maybe they can fool some people but this speaker knows how collective responsibility works. Collective responsibility, in the case of the Hospital, does not come into play until after the Elected Members of Executive Council have decided to give us a new Hospital. When a matter is controversial, the Civil Service Members of Government lie neutral. If the Member for Health wants his Hospital, he has to get two other Members to support him before the Government Members are going to give him any help. So at least two of the other Elected Members are strongly for this Hospital.

The other one, if he is not strongly for it, has a remedy which he is not using because he does not have to support it. He can try to get the Governor's prior permission not to support this Hospital. If he fails to get that, all he has to do is walk across the Floor and we will put the First Elected Member for Cayman Brac in Council. Then the eight of us on this side can defeat the Hospital. So it is my contention that this Hospital which we are dealing with today is the brainchild of the four Elected Members of Council and the matter of collective responsibility only comes into play after they take the decision in Council. Every one of them is guilty of supporting this project.

What is worse about this project and the reason why I cannot give my support to funds from any quarters being used, is that I saw, last Friday, a headline which disturbed me. Qualified doctors who had been on this Island for 15 or 20 years are now subject to serious disciplinary action from the Health Authority. For example, Dr. McIntyre (who has been here that long), simply because she is a member of an organisation (the Cayman Islands Medical and Dental Society) which published a paper giving a professional view of why this Hospital cannot work. As a layman I know why it cannot work and why it cannot do this country any good. You see, since this new Government has taken over the words "health care" have disappeared from the medical field and have been replaced with "don't care". I am not talking about the doctors, nurses and technicians. I am talking about the Members of Executive Council and the Portfolio of Health.

If they really wanted to help bring down the cost of health care what they would do is take that \$16 million or \$10 million out of it and provide this country with improved diagnostic facilities and hire people to run the equipment which we do not yet have, and train the technicians who we do have to handle this new equipment with which they are not yet familiar. But you see if this were done we might have to cut down on some of the fat contracts which go to the Cleveland Clinic and other facilities in the United States.

Providing 100 beds, or 96 more beds, or whatever number more beds there is going to be, does not give us any better care or does not give us any cheaper care because no matter what is built here, there is not one single facility in the medical field in any part of the world that can take care of every medical problem. It does not suit us to become so sophisticated that we will not have to use some specialised services at some time because we do not have the volume of people to make it profitable. So all that I am saying is instead of building all of these additional new beds, just do some work on the old site and put in some additional diagnostic facilities and really bring down the cost of health care.

I was worried from the time that I read the Member's statement which he made on 22nd November, when he said that "the primary goal was to make available to all Caymanians quality, affordable care.". This statement was made in *The New Caymanian* of 22nd November. The Member also made the statement that "an added benefit was to reduce the large Government subsidy for Health Services which is approximately \$10.4 million as budgeted in 1991.". So he is not interested as much in health care as he is in finding funds to build and run the new Hospital.

I object to any funds being taken from the purpose for which they were provided, for use in a project which everybody except five Elected Members of this House is saying is a worthy project. If this project was so good why does the Government have to spend so much money on brainwashing the public, on advertising, on selling? And let me tell you that what they are doing is not a "soft sell".

I attended one of those brainwashing sessions in Bodden Town when the architects were there with the plans and the pictures, the samples of carpet and tiles, and to people, some of whom had never scrutinised a blueprint before, this was really a fantastic show.

When they heard about the extravagant and expensive building, and about all of these different angles, they did not realise that conventional rectangular blocks of buildings connected by walkways are equally functional, easier and less costly to construct. We have never, at least I have never, been given the projections upon which this Hospital is built. I heard something earlier on about the Member for Communications giving a copy to one of the private doctors and I heard something about the Members being given these studies. When are we going to be given these, after we have made all of the decisions? Why are we not given the studies from Ernst and Young and from the Health Authority? When are we going to be able to discuss this publicly? What is the hush, hush?

Is it because Executive Council, and I hold all of them responsible, is afraid that we will find out that what the professionals in Government and in the private sector, the doctors and nurses, are saying is true? I have heard rumours that the cost of the access roads may be as much as \$2.5 million extra and is not included in the projections for the Hospital, and that whatever work is done by Public Works will be charged to that Department.

Is it also true that the cost of the soil test and surveys to estimate the amount of mud found and the fill required were carried out under the supervision of Public Works and that the cost of these services were not declared as a part of the Hospital Project? Is it also true that the surveyors and other people who know about landfill know that the Hospital site will cost \$3 million to fill and that the Government is only admitting to \$500,000? We know from experience that the mud sucked from that swamp cannot be used for fill because it contains roots which will rot. These are the concerns which I have when I object to this Bill which seeks to take money from much needed services at the present Hospital.

The professionals in this Island who are really concerned about health care, who put the patient first, have stuck their necks out to object to this madness which the Member for Education, the Member for Health and other Members have put forward. We have to remember that some of these doctors are Government doctors who will most likely lose their jobs as did Dr. Kools. Some of these people object to private doctors who may well lose their work permits, or who may not be given a licence to practice on this Island any more, the way the Boards are now structured. Yet, because of their years of training and the Hippocratic Oath which these doctors have taken, they try to warn us that Executive Council, its Elected Members, are leading us on the primrose path to Hell and are out to destroy our existing medical services, looking at the next election rather than the present health of this generation.

In the criticism which appeared in the newspaper and in the copy of the report which was circulated to Members from the Cayman Islands Medical and Dental Society, we find this telling statement: "Doctors and all other health workers will be intimately involved with the development and implementation of these services and will therefore be affected directly." Why is the Government ignoring them? Why has the Government not taken their advice? Is it because they know that with the help of the Governor they have a Finance Committee where they can put through whatever they want and with the help of the First Elected Member for Cayman Brac in the House, they can put through anything they want, and that they no longer have to listen to reason?

These doctors, nurses and technicians who make up this Society say that they wish to categorically state that their main interest is their patients. This is the interest of the Backbench, the people who will use the Hospital, not whether the Member gets his way, nor whether the Elected Members of Executive Council get elected again and form the next Government. This is not what we are thinking about. According to this Society there will be at least 134 hospital beds provided by the Health Authority, this will be the 96 beds at the new facility plus the geriatric unit, the hospice and so on. The claim of this Society is that the statistics which the Member and his other elected colleagues are following are false assumptions. I believe this is why we are not seeing any of this. When they are to be laid on the Table is when we are going to see them. We are going to see them when all of the contracts are in place, when the votes are taken, when the Member for Cayman Brac has given his seal of approval.

So we on the Backbench believe that it is wrong to take this money for a project that is so flawed. It is pointed out that the Government relies on a high occupancy rate. Now everyone knows there are times, and the Member mentioned some time ago in the House that there was a night when it was difficult to find a bed when his son was sick and this may be the case, but on average we know that the Hospital is not running at full occupancy. Even if it were, the increases which are recommended, particularly if the private sector provides the beds which they now talk about, the occupancy will fall. We would like to see and we would like to know about this study which has convinced the Member that what he is doing is right. According to the study, 200 of the major surgeries were done by private practitioners. This fact seems to have been ignored altogether.

I maintain that the Elected Members of Executive Council are not being fair with the public or the Backbench because they are not giving us all of the information. A point which I made in my opening is underscored in this criticism from the people who know and that is, to quote from the Report: "Our present plans to develop the health services place too much emphasis on upgrading of accommodation and too little on technological advancement necessary to diagnose and treat patients more efficiently." We have to wonder why! We have at the Hospital some well trained technicians, some skilled technicians and if it is necessary to develop the lab work more, radiology more, ultrasound department more, if it is necessary to perform extensive studies on the blood vessels, heart, brain and other organs, to report on biopsies and so on, let us get the equipment, let us train our technicians, or hire new ones rather than building more beds.

You see, I know the Member for Education has expressed many

times his dissatisfaction with the improvements made at the old Hospital a few years ago, and as with the airline, they would like to destroy it. While the airline is necessary, health is more important. A person with health can find a job even if he does not have education. We are here tampering, playing footsie with the Health Services. The Member for Health has gotten himself in bad with the medical profession in this Island. This is one advantage the Member for Tourism has over him. He supports his manager even if he is wrong and remains in his good graces. How are you going to run a health facility when the person directing policy at the top is at war with the professionals carrying out the policy. Certainly it is time to remove the top because all of the professionals cannot be wrong.

I could go on for the balance of the day on that Report but I think I have mentioned enough on it to let the public see that the Members for Executive Council are hardened in their ways and are not listening to the drum beats from the medical profession. A letter was sent on 30th October, 1990 to the Member for Health on a different matter but one paragraph of it summarises what is happening today in such a clear fashion that I would like to quote that paragraph. The letter came from the Cayman Islands Hotel and Condominium Association, an organisation with 137 members representing over 3,000 employees. The paragraph at the bottom of the first page says: "We are confused as we watch the people of these Islands, in what appears to be an overwhelming majority, ask questions which are not answered only to be told their opinion does not matter. The motion will pass without the support of the people."

the support of the people.

I will close with that. The Bill before the House will pass without

**MADAM SPEAKER:**

Would any other Member wish to continue the debate?  
The First Elected Member for West Bay.

**MR. W. MCKEEVA BUSH:**  
the Bill before the House.

Madam Speaker, I will make a brief contribution in opposition to

In 1990, the Member came asking the House to let him borrow some money because he urgently needed to do some renovations at the George Town Hospital. That Law carried several areas that I thought made sense to renovate. This was something that we, ourselves, were saying at the time. We said, "Make the necessary renovations to the Hospital to effect better health care in the country," in spite of the fact that Government was saying that Backbenchers did not want better health care. I cannot understand why they have not done those necessary works, the majority of them, or the very important ones. I think they did do some alterations there but the necessary and main ones, I do not think have been done.

This Bill says that we are to give the Health Authority a blank cheque to do as they please with this money. We do not know how much. I believe the Bill borrowed some \$1.5 million. The Health Authority never did get my support and with the confusion existing at the Cayman Islands Hospital today because of the Health Authority, I will not put my confidence in that body with the Member as Chairman. I cast no aspersions on the membership. There are some very good people on that Board but who is to say that the Member will not do as he pleases? We know that when the Member does what he pleases, the country suffers.

We see today the victimisation of long-standing doctors in this country and that was something I pointed out that this was what was going to happen, even before the Health Authority came into action. We have not seen the end of the trouble that we are going to get because of the Member being in charge of that many civil servants. It is going to affect the health care in this country. When the Bill came we supported it but we said that we believed the Member was not going to do as the Bill said. Today, that has materialised. Today, his objective as to this \$1.5 million, we will never know the true facts until another Bill or motion comes before the House to do something else with that amount of money.

The Bill before the House says that some of this money, we just do not know how much, will be used to acquire land to provide access to a new Hospital to be built. On Saturday a very reputable and outstanding citizen of this country, a resident of George Town, took me to the Hospital site and pointed out to me where this access road is to be built. When you consider that it is going several hundred feet onto new property, then it is going to turn and come across what is known as Paul Bodden's Marl Pit and on that particular end it has to be over 12 feet deep, if not more, one has to question what in the world this Government intends to do with the finances of this country.

If they are going to build a Hospital then I do not believe that we are going to stop them because they have the votes in this House. So this Backbench, to that extent, will not be able to stop them. At the least, the Member should take every precaution that cost is kept down. You are going to hear that he is doing this and the next thing, making this provision and that provision, but the truth is that the country and I certainly as a Member of this House, do not believe that the Member is capable of doing the things that he has said. Certainly there have been several changes already from what they said in the beginning. This whole scheme is utter madness.

I am not going to blame the Member for Health alone because the Member for Health is just one Member. I have to blame the entire elected membership of Executive Council and I have to blame His Excellency the Governor because he, most of all, is totally responsible for peace, order and good Government under the Constitution and he is responsible, in the final analysis, for our financial situation. To say that we need good health care is one thing but when a country is in the doldrums with its finances the way this country is and has the amount of borrowings which we already have, plus an additional \$1.5 million, then you are going to add \$16 million more to it, where are we going to end up?

At the least, those Members over there should tell the truth about their Hospital Scheme and say to the country, "We are going to provide this Hospital but in a few year's time

and not too long in the distant future you are going to have to pay much more in the form of some kind of levy to help us with it because we are not going to be able to fund it completely."

I can do no more and as the old people say in their prayer meetings, my conscience is clear. I believe that we should have good health care. I believe that the country today, offers good health care. It is not, in comparison, to the United States but are we ever going to be able to provide that level and can we really afford to get that sort of level of health care in this country? I do not know. I would like to believe so for the future but for now, at least, they have arrangements to send certain cases overseas. They can do as they want because they have a vote on this side of the House who claims they have the country at heart. We shall wait and see if, in the final analysis, the many attempts and actions of this Government have really done any good for the Cayman Islands.

I can say no more on this. I am not going to support it because certainly I do not support the incurring costs for the new Hospital. While I support sensible renovations to make the present George Town Hospital a more practical facility, the Member has not said in this Bill or by any Schedule what he is going to do and truthfully, I do not trust the Member to do otherwise.

Thank you.

**MADAM SPEAKER:**

The First Elected Member for Cayman Brac & Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. A Bill for a Law to Amend the Loan (George Town Hospital) Law, 1990 has received a lot of debate here, most of it going on the construction of a new Hospital which I do not see incorporated in this Bill. I was a Member of this House and voted, as most other Members did, for the \$1.5 million in 1990 for the Attached Schedule. An evaluation was made of the George Town Hospital at the time and the Schedule as appeared in the Law in 1990 was what was then thought to be necessary.

I do not purport myself to be a professional in hospital design neither in its needs. The professionals who operate and run the Hospital apparently have had a change of mind. I know from being a Member of the Central Planning Authority that plans have come to that Authority for additional construction that was on the site but I am sure that every Member here realises that there are planning parameters which have to be carried out and lived up to, and that there is a limit to the property which is owned by Government in that particular area.

It will be recalled that a Dental Clinic has been constructed on that site and also an Eye Clinic, both increasing the need for additional parking spaces, therefore, increasing the density of that site with buildings. I say this to say that you just cannot add on to a structure without supplying parking spaces and staying within the Law. I do realise the Government has within its power the Land Acquisition Law which could acquire additional property, but I am certain that would be the last thing that this Government would want to do for people who have lived in that area all of their lives.

Madam Speaker, I have talked to a local doctor concerning that particular site and he agrees and confirms that that is not the area where he feels that Government should develop as a permanent Hospital site, that a new Hospital should be built on another site. I concur that most Members here accept him as being qualified in making that answer. I visit the George Town Hospital on occasion and I know that improvements have been made and I think they have been improvements that were necessary and are beneficial. I have no idea what the cost has been as that does not come under my responsibility but our Government is so set up, under the Westminster system, that from the legislators elected, an Executive Council is elected (or the Cabinet in a more developed system) which decides the policy of this country. I voted the money and the Executive Council of this country are the people who are in power to spend it.

I feel it is my responsibility to support requests for expenditures which are necessary and I have said on the floor of this House on many occasions that there is nothing more important than the health of our people. I, like every other Member, have concerns of the site proposed for the new Hospital but I can only go by what the professionals are saying as to what it is going to cost. I read in this Bill the money is the cost, as approved by the Governor in Council, of acquiring land to provide access to a new Hospital to be built on Grand Cayman. So I accept this as being to acquire land.

So I, having in 1990, felt it was necessary to provide the Portfolio of Health and Social Services with funds to improve health care facilities in the Cayman Islands. I, today in 1992, feel it is an on-going process and I support the Bill.

**MADAM SPEAKER:**

Before any other Member commences the debate I would just like to make the comment that the Bill before us does provide for an access road to a new Hospital and if Members bring in the construction of the new Hospital they are quite right in doing so, although some may have gone on at great length. Thank you.

The Honourable Elected Member for Education.

**HON. BENSON O. EBANKS:**

Madam Speaker, I rise to give my support to a Bill for a Law to Amend the Loan (George Town Hospital) Law, 1990. In doing so, I wish to accept, on behalf of myself and the Executive Council between the years 1972-1976, the accolades which have now been showered on us for the excellent job which we obviously did in converting the old Hospital between 1974-1975.

I am saying that to say that the same people who are today criticising Government for contemplating the construction of a new Hospital, in 1974 showered ridicule and all sorts of criticism on Government for the renovation that was then made to the present George Town Hospital. I want to assure those Members, both in here and in the public, that I accept their congratulations at this time, though long delayed, and I forgive them for what they did in 1974, and I will say that they obviously did not know what they were



doing when they did it.

The situation is the same today. In 1974, the chief antagonist against the new Hospital now, went all over this Island, came to political platforms in West Bay and said what a ridiculous job we were doing. We were creating left-handed bedrooms in the Hospital. That was some 16 or 18 years ago. My contention is that if that Hospital was so unsuitable, so degrading to this community as a finished product in 1974, how in the world, without any alterations, can it be suitable for 1992 and into the year 2000?

Madam Speaker, when that Hospital was renovated and refurbished in the 1970s, it was acknowledged that it was a stopgap measure. We did at that time what Government finances permitted us to do but we were aware at that time that if the development of this country was to continue, we had to be seen to be placing a high priority on health care and seen to be providing facilities suitable for people to be hospitalised in even if on a short term basis to stabilise them so they could get to the United States by air ambulance.

That action then has been proven by history to be right. The country has developed. We have been able to attract long-staying visitors who live in apartments or condominiums to boost our economy. It provided the stimulus for condominium sales and development and thereby provided work for our construction force. I am satisfied that if a survey was done that any person living in this country or visiting us and residing for four to six months out of the year, as many Europeans and North Americans do, would say that they would prefer to have good medical facilities in preference to being able to arrive and depart in an air-conditioned airport terminal building.

Now this country borrowed money to build the airport terminal and it is being financed and repaid from earnings from the operation of the Civil Aviation Authority. There need not be any misunderstanding about this, this question of the Opposition talking about who they are blaming and who they are not blaming need not be in doubt. This Member and this Government supports the building of a good Hospital for this country, for our people and for the good of our economy. Let there be no doubt about that.

We heard a lot about the economics of our country in the last couple of days from self-professed economists but let me assure this House that the Cayman Islands are in competition for tourists, residents and for the international business which is done here. There is nothing being done in the international business field in the Cayman Islands which cannot be done in any of our competitor islands. The day that we allow our facilities, our quality of life to deteriorate to the point where we become less attractive than we are now, those people will move to those islands which provide good medical care, good education, good transportation and a better quality of life. It is as simple as that! So good medical care is one of the items in our stock in trade in competition for the international business.

Let us analyse the proposal for a new Hospital. Government has said that if the construction of a Hospital is within the realms of the possibility of the newly created Health Services Authority to finance it long term, it will build a Hospital. The Member for Health, because it is his responsibility, has commissioned a study. Architects, surveyors and engineers were employed and they have come up with a design for a hospital which the preliminary estimates put at \$16 million turn-key. In other words, the Hospital will be built, fully furnished and ready to operate within that budget. They have made projections of the revenue to be derived from the operation and those figures indicate that the project is viable and feasible. In other words, the revenue can repay and retire the proposed loan.

That is all any of us or any person in the private sector requires in order to make a decision to proceed with a project. We analyse it, the construction is costed and you estimate the revenue. Nobody can guarantee the revenue unless they have some subsidy from something like Government. In this case Government has not undertaken any major subsidy beyond what it already pays. In fact, it has been shown that that will reduce over the years so in the long term Government will save money on health provision in this country.

Now as far as I am concerned, these people who get up and say that the Hospital cannot be built for \$16 million, that it is going to cost \$40 million, and the revenue is going to be one-third of what is projected, are whistling in the wind. If the Hospital is put out to tender and nobody tenders within the prescribed budget, well then, all of this work has become academic. The Member for Health, and as unbelievable as this might seem to the uninitiated on the Backbench, has diligently and in a very astute way been able to get a contract for the design which says that they guarantee the design to be capable of being built within the budget or they will have to redesign it all over for free, for the same fee.

My point is if these pessimists are right and the lowest bid is \$20 million, \$25 million, \$30 million or \$35 million, I have heard some of them go up to \$70 million, if they are right, the exercise then becomes academic because the revenue does not support that type of investment and Government will not make it. Now I hope that I have been able to put our position clear. The challenge for Government to tell the truth about this Hospital is utter stupidity. Government has always told the truth about it. What is lacking is fertile ground in which that truth might germinate.

You know there is an old adage: "As a man speaketh, so is he." When people get up and openly accuse, contrary to Standing Orders, dishonesty or imputed, to Members of Government they are only showing their mentality. There is also a further adage which says: Coming events cast their shadows before them. I implore the country to think about that.

**MADAM SPEAKER:**

Would you take a suspension at this time, Honourable Member?

**HON. BENSON O. EBANKS:**

Yes, Madam.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

## AT 11:32 A.M. THE HOUSE WAS SUSPENDED

## HOUSE RESUMED AT 11:58 A.M.

**MADAM SPEAKER:** Please be seated. The Honourable Elected Member for Education continuing the debate.

**HON. BENSON O. EBANKS:** Thank you, Madam Speaker. We have also heard the chorus oft repeated by the Backbench about the sorry state of Government's finances. Nothing could be further from the truth. Government's finances are in good shape. The repayments of Government's borrowings as represented in the 1992 Budget is something around 7 per cent of recurrent revenue. The generally accepted figures for small countries is between 10 and 12 per cent. Even the Opposition accepts that 10 per cent of revenue towards repayment of capital loans is an acceptable figure or at least that is the figure that they brought a motion to have Government accept.

Government is the biggest business in this country and I want to know how many businesses in this country operate without borrowing. If Members of the Opposition could get up and successfully and truthfully say that this Government has not sought to provide the services and amenities that this country needs then I would listen to their argument. As I said earlier, show me one of the monuments that they talk about which has been built to the glorification of any Member of Executive Council.

The Member for Health consistently gets pounded about his style of management. What the Opposition, the six Backbenchers, should say is this, that the 1990 Bill that we are now seeking to amend is the first of its kind that came to this House asking for permission and detailing in a Schedule what the money would be used for. The Member is doing quite correctly today what any person would do and that is seeking to amend that Schedule because with the fluxion of time it has been found that some of the items listed in that Schedule are no longer practicable to be done. One of the reasons for that is that because of delay for one reason or another it would be wasting money to put that facility on the present site when it is going to be replaced by a better facility in the new Hospital. That is prudent management but those Members would not understand that type of mentality because, as I said, they are drifting in the dark.

As for a private hospital, if this country gets a private hospital it will be after Government builds the public hospital. The gentleman who is running around saying he is going to build a private hospital has been doing that for the last five to six years. Can this country wait any longer on him? I say, no. They mention in clause 3 of this Bill about the cost, as approved by the Governor in Council, of acquiring land to provide access to a new hospital to be built on Grand Cayman. That is merely formalising an item which is existing in the 1992 Budget. When the 1992 Budget was approved by this House there was an item in it of \$100,000 earmarked for the access road to the Hospital. The Member is only doing in this Bill what is required to be done. Now they come here with their mouths stuck out a mile opposing it because he is doing what should be done.

As to the site, I want any of those six Members to tell me where in George Town they can find 12 acres of land that does not need fill that we can build a Hospital on, and on top of that which is owned by the Crown, that we do not have to find money to buy the land again. The site that the Primary School for Red Bay is going on needs to be filled. That is average land in this area. What is more important, proper engineering studies have been done on the property and the estimate given for its filling is therefore realistic. It is not a shot in the dark.

The Bill seeks to put the funds that have been approved by the 1990 Law at the disposal of the Board of the Health Services Authority for the carrying out of improvements to the George Town Hospital necessary to maximise its future use and when those improvements have been identified by the Board, properly designed and costed, the Governor in Council has to approve of them. That is a proper safeguard and I submit it is proper procedure. Therefore, I have no hesitation in supporting this Bill before the House. As I said earlier, let there be no mistake that Government supports the construction of the new Hospital within the budget of \$16 million which is not, as I said, a figment of imagination. Properly costed, the revenue, although projected by the Health Services Authority, has been audited by a firm of accountants.

I am not going to get into the inaccuracies of some of the pronouncements which have been made on those figures by people who have not demonstrated in any tangible way their ability to plan and manage their own finances. Those persons are purely political. They have been on the political platform, I know, from as far back as 1976. If they want to enter the political arena they should get out there and put on their running shoes. I will be glad to take them on if they come into my constituency again.

Members need have no fear about the site where the Hospital is going. Engineers have guaranteed that it is adequate and capable of taking the Hospital. What more can Government do than to seek confirmation from people who should know, not people who have political axes to grind?

This Bill deserves the support of all Members of this House and with the few comments I have made, I give it mine.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I rise to oppose the Bill which is presently before the House. I see it as the direct contravention of a motion which was passed here two years ago on 1st March, 1990, and I find it amazing, as I read the *Hansard*, the remarks which were made by the Member on the same seven items which he is proposing to have removed in this Bill and funds vired to do a road for the new Hospital site. It is strange, as we read from the *Hansard*, to see how important it was at the time. On each item (he

took time to go through the seven, as are listed here in the Bill) he pointed out how necessary it was and indeed how much it would add to health care in this country which would take us through for some time.

What amazes me is that it took two years and this has not been done. Now out of the blue we are faced with a Bill to undo what was done in the motion and suggesting that the funds be used for something which, in my opinion, this country cannot afford at this time. Regardless of what the last speaker has said, not only myself but there are many in this country who disagree with what he has said with regard to the present site proposed for the Hospital. I honestly believe that if the truth is told we will hear later on that it is going to cost us much more than we have heard thus far to prepare that property the way it should be to construct a Hospital.

I am also not satisfied with what has been said with regard to the figure that we have been quoted on the Hospital. I believe that if this contract comes out at \$16 million it will be the first one the Government has entered into that was on target. I believe that we will hear of a much larger figure than \$16 million to have a turn-key operation. We were also told similar things about Cayman Airways Limited. We were also told that figures had been gone through by those who knew figures, qualified accountants. We were told that the Backbenchers knew nothing about figures but the fact is, today those accountants who they bragged about made several serious mistakes. I wonder if we are talking about the same type when we are talking about figures for this present Hospital?

I believe that if the seven items which were listed in the Member's motion two years ago had been worked upon, put in place it would have showed each and every one in this country and perhaps even he himself, that the necessity of the Hospital they are planning would not have been required at present. I believe that if enough emphasis was placed on finding property elsewhere we could have found the necessary amount of land to construct this Hospital. I honestly do not believe that we need the acreage that we continue to hear about. I believe that if we had only done what was laid out in this original motion that we would have found that there would have been sufficient space on the present site. There is no reason that there could not have been. When one looks around that area we have over to one side MRCU. I believe the people of this country would have supported 100 per cent having that unit placed in an area similar to what we are talking about but not a Hospital site. If this was done we would have had more than enough space to do what we need in this country. It seems that we are hell-bent to continue to spend what this country does not have and to commit the people of this country for years and years to come.

I am 100 per cent for offering the people of this country good health services and I am not here to say that the Member has not tried, with certain matters, to upgrade and to provide better services to our people. But I believe when it comes down to the issue of a new Hospital and the present proposed site that he is being blinded by some. Much has been said on this and I do not intend to prolong the debate on it. As has been pointed out by a previous speaker we on the Backbench realise that we can only put our views across because it will not change anything. We are aware that the Government has the votes to put through these various items so what can we do? We can only do our part and to put forward our views on it, although we know they will be ignored.

for the Hospital.

So, Madam Speaker, as it is before us, I cannot support the Bill

**MADAM SPEAKER:**

If no other Member wishes to continue the debate, I would ask the Honourable Mover if he would like to exercise his right of reply.

**HON. D. EZZARD MILLER:**

Yes, Madam Speaker. Unfortunately, I am unable to accede to the request of the Third Elected Member for George Town to thank everybody and sit down. I think his colleague summed up their total contribution when he described the building of a new Hospital as a "primrose path to Hell." That is exactly what they think of the provision of adequate, proper and good health care facilities for the people of this country.

I have never listened to so much rhetoric and misinformation about the health care plans and the existing health care facilities, what has been done, what has not been done, and what should have been done, over the last three years. But we must be reminded that during the contribution of the Second Elected Member for Bodden Town on the motion calling for the Drug Rehabilitation Centre because he likes to brag in certain circles that he does not utilise this Hospital and he still believes that the Cayman Counselling Centre is poked away somewhere on the present Hospital compound.

That sums up that Member's knowledge and information of what exists at the new Hospital site. (Or, I should say, what he puts forward as his political position on what exists because deep down in his heart of hearts he knows differently.) He has visited a few patients at the Hospital and has even offered to interpret their EKGs for them properly and question the expertise of the doctors at the Hospital in reading those electrocardiographs because he had been taught the day before by one of these physicians who signed this document which he refers to heavily, on how to read them.

Let me assure the public, unlike what has been put forward by the Members of the Backbench as to what has been done with the loan funds which were approved in 1990, that much has been done. Some of them, including the First Elected Member for West Bay, the Second Elected Member for Bodden Town and the Third Elected Member for George Town, do not even know what the quantum of money which this Bill is addressing is talking about, even though they tried to subdivide it and divert it in the 1992 Budget to roads, similar to what they did to the money put in the Budget in 1990 to slaughter houses and people's private driveways.

Just to set the record straight for those three Members, the quantum of money which we are talking about is \$1 million and \$500,000 of the funds have been spent on the

Hospital site. Before they get up here and flap their mouths saying nothing has been done, they should at least take the time to visit the institution and see what has been done. But as usual they get up here and they believe that 50 per cent of the public out there have not been to the Hospital and therefore, anything they tell them and anything that Dr. Tomlinson and the CIMDS says is gospel. Before the day is done, before the cock crows twice on Saturday morning, the country is going to know the facts, and what are not the facts, about the CIMDS Report - who helped prepare it and who did not help prepare it, and how many of his executives have resigned since he published it. They have what they claim as one set of facts generated by him off of a draft document which was stamped "DRAFT" on almost every page.

The object of that exercise by the current President of the CIMDS is as it has always been - not to help the country provide health care facilities, but to protect his own pocketbook and to stop things such as a Medical Staff Association put in place by the Health Services Authority which is going to introduce proper medicinal and medical practice in this country through privileging and credentialing. That goodly gentleman is a fully qualified surgeon and he will be credentialed as a surgeon, but he will not be credentialed to continue his current practice of being pediatrician, obstetrician, gynecologist, cardiologist or a doctor of internal medicine because he is 'all things to all people' at that Hospital and he overrides anybody he feels like including striking them down in the passage way if they argue with him.

That is the mentality of the individual and he has reason to be angry with me and the Health Services Authority because under a proper system of privileging and credentialing he is not going to be able to override orders by a cardiologist. Likewise, the cardiologist will not be allowed to override his orders from the surgeon. There are many economic reasons for his disgruntlement. I respect that, and I view anything which he tells me in that light. He is all "t'd off" because I do not accept his advice hook, line and sinker while the Backbench does. They come here and read from his prepared printouts. They should stick to the insurance knowledge that they have and debate the National Health Insurance Bill and not get involved in these kinds of specialities in the medical field.

Just to name a few of things which have been done since this Bill was passed in 1990 (these will only be in relation to the surgical area and those areas which were specified in that Bill), the Bill which replaces the Schedule does not prohibit continued improvement in those areas within the bounds of the Central Planing Regulations. Nobody has said that we are going to discontinue improvements to the surgical area, only the Backbenchers. That is another area of their misguided input. They claim nothing has been done for trauma. We have improved the emergency/trauma area of the George Town Hospital by the addition of 1,000 square feet of new space, doubling the clinical area of casualty which has provided a new triage area and a new examining, dressing and plastic cast application area, two new examining rooms and a complete and separate waiting area for emergency walk-ins. And they get up here and say we have not done anything.

You know, a little more than 10 years ago I was in an audience with the present Third Elected Member for George Town when he was the Member for Health, one of the rare audiences in which I was allowed to participate with him, and I mentioned the words "triage centre". He used that in every sentence for the next five years. Somebody over the last six months has mentioned to him "specialised trauma area" and that is all you can hear from him now, "We need a specialised trauma clinic in Florida, we need a specialised trauma area in George Town." We have it! We have made improvements to the Sterile Supply Support Services and the two operating rooms by new building and added equipment to provide improvements to the Central Sterilising Department. This improved service also serves the ICU and medical beds as well as the Surgical Ward. That is part of the Schedule that we said we were going to improve. Improvements were made on the supply of other non-sterile supplies to the Operating Room (OR) by a new Materials Management System....

*[Addressing a Member across the floor]* Keep your pants on, I will get to you.

**MADAM SPEAKER:** Honourable Member, please do not lower the dignity of the House by such remarks.

**HON. D. EZZARD MILLER:** Madam Speaker, I do not believe I have ever, in speaking in this House, lowered the dignity the House...

**MADAM SPEAKER:** No, but that last expression went pretty close. I do not like that. Please refrain from using it again.

**HON. D. EZZARD MILLER:** I accept your ruling, Madam, but you know there has been a lot said here in the last two days about my honesty and integrity and it was never questioned. I intend to reply to it, Madam.

**MADAM SPEAKER:** It is your privilege to reply, Honourable Member.

**HON. D. EZZARD MILLER:** Improvements in the supply of clean linen to the OR, surgical wards, medical wards, recovery area and ICU by provision of improved flow and new equipment to the laundry room; the establishment of a new telephone and intercom system in the casualty and trauma area for better communications; increasing the number and improvement in the training of casualty officers; increasing the number of trauma surgeons and anesthetists for trauma cases; development of the use of the Cleveland Clinic for tertiary cases and improvement in air ambulance transfer service; addition of one consulting physician to add improved care to patients in the ICU and during recovery from surgery; the introduction of complete pre-medicals of all surgical patients by the anesthetist rather than the surgeon who was admitting them before; development of

day care cases and surgery by use of existing beds; and the reduction in the length of stay by earlier discharge.

At long last it has finally dawned on Dr. Tomlinson and his CIMDS that ambulatory care surgery is the most modern, and is the future. Two or three years ago when we developed the Health Plan and said we had to develop ambulatory surgery to reduce the length of stay, to provide better medical care and to provide cheaper services, they were the ones who went to the Chamber of Commerce. It was unheard of then, it was bad medical care because at that time the good doctor was building himself up - not a hospital!, but an ambulatory centre. Now that he is building a hospital we need to build an old people's home. I wonder what is going to happen next week when he decides to build an old people's home? We do not need that either.

Improvement in the laboratory service by the hiring of a full-time pathologist and the renovations to develop a new histology and cytology service to support the operating rooms and clinical areas. We will no longer have to send parts of the body and certain cells to Miami to have tested and then have the patient return three weeks later to finish the operation. We will be able to do certain procedures there in the lab while they are in the operating room and if something needs to be removed, it can be exercised at that time saving the expense of another surgery and improving the quality of life of the person. But they do not think that the two can go hand in hand. That is their mentality.

Separation of the booking and clinic area by provision of a waiting room for casualty patients. As I mentioned earlier, we created a whole new waiting area for walk-in emergencies and people waiting on casualty for repeat treatments. They no longer have to mix with the day people with the coughs and colds. Twice monthly visits and consultation and education by consultants from the Cleveland Clinic in Fort Lauderdale, Florida at the George Town Hospital to raise the level of practice of medicine in the country. We conduct an education seminar once a month to which all doctors in the land are invited free of cost to try to improve their level because some of them have been on this Island for 30 years and have not read a Lancelot article. All of that is an attempt to try to upgrade their skills and upgrade the quality of health care being offered.

They are all upset because I say I am going to rewrite the Health Practitioners Law and require continued education to be demonstrated by these doctors and other paraprofessionals. I make no apologies for that. That is a necessary evil of the profession. They are worried because I say I am going to introduce annual medicals for people over 60 years of age to try to get them to retire when they are beyond their areas of capacity and capability.

We have provided a full-time consultant/radiologist and a part-time consultant/radiologist to report on x-ray and ultrasound fill-ins. While you are in the operating suite if you have the need, we can do it. We no longer have to wait two months for somebody to come from Jamaica to read your x-ray. We have developed a complete new system, the best existing in the Caribbean, for the disposal of contaminated waste from the OR and other wards of the Hospital. There is a whole 50 page Regulation written and passed into Regulation by Executive Council to govern this to make sure that it is handled properly.

You do not have to worry about the professionals or the Environmental Health garbage men picking up bags and getting stuck with needles which have been infected. You do not have to worry about the private doctors bringing their medical garbage from the Clinic and dropping it in the wrong container at the Hospital. They now have to be certified under that Law as a generator of medical waste and it is picked up from them on a regular basis and must be placed in proper containers. We have a truck which picks it up properly and we have an incinerator which disposes of it properly. Those are all improvements in health care.

Improvement in the supply of sutures and minor orthopedic equipment to the trauma department and OR by ordering through the Cleveland Clinic in Florida. A complete new infection control system has been instituted and has been working well now for more than a year. The greatest reason for that infection control is because the Third Elected Member for George Town, during his administration, built the two operating theatres over existing septic tanks. There is no infectious waste in the swamp. The flies are coming up through the pipes. We have to get Environmental Health to treat there on a regular basis.

Laboratory equipment has been added and additional tests are being performed. We now send all of our tests to one centre, the Cleveland Clinic in Florida, as opposed to sending them to four or five different directions and increasing the risk of them getting lost in the mail. We have put in a centralised liquid oxygen supply system so that we no longer have to rely on eight cylinders being shipped in from Florida. Part of the Fire Officer's requirement of where that liquid oxygen tank is placed is that no building can be placed within 50 feet of that tank. Those are the kinds of reasons which the six of them would not understand why you need to move the Hospital to a proper site to get that kind of separation and safety for the patients. They would probably put the liquid oxygen tank underneath the ward.

The Hospital staff has responded well to the difficulties under which they have to operate. The Government, up until 1st January, 1992, has endeavoured to improve the facilities in meaningful ways and has done so. The Health Authority is continuing that process. The old Schedule called for the construction and equipment of a 12 bed surgical suite. That has not been done. We have done all of the construction drawings and equipment specifications and made the application to the Planning Department. It has come back with certain requirements and stipulations which we cannot meet. What are we supposed to do, change the whole Planning Law?

I must also point out that the fact that Government now applies for Planning's permission for everything it does is a new creation. Under their administration they did what they pleased and that was just confirmed by the Second Elected Member for Bodden Town when he said the first time that his constituents had seen blueprints was when I carried them up there. Oh, if only he had taken the time to show his constituents the blueprints of that massive Civic Centre, we might not have wound up with the difficulties we are having in design and with the heat killing you in it. They turn on the fans and you have to hold your clothes down because they will suck them off of you!

The Hospital was not designed like that. The Hospital was not designed by me, it was designed from input by the people who are going to work in it. Over 100 members of staff were involved in it. Over 25 doctors were involved in the design process. The President of the CIMDS, Dr. Steve Tomlinson, was a member of the Surgical Facilities Committee and was the most boisterous member. He wanted a whole ward of the Hospital dedicated to surgery for him. We said we were sorry and that each room is going to be exactly the same and could be used for any purpose that is needed. We are not going to designate 32 beds as surgery. He helped us in the design process.

.If this thing was all wrong, why waste his own time and that of other members to be a part of the process? He has had another change of heart and he is now going to build a private hospital and he is scared. This Government, and I have made many public pronouncements, has no objection to a private hospital. All that we ask for is that it be built to the United States Published Standards for Health Care Facilities.

Some many months ago his architect, he has been through every architectural firm in town because the architect cannot tell him how it has to be done, he is an architect too - sent me a copy of his floor plans for my comment. I wrote him back and told him it was not my position to criticise the plan because you would have heard the following week that Government was putting stumbling blocks in his way. I offered his architects my personal copy of the Published Standards and asked that it be designed to those specifications.

This country was told by members of the Chamber of Commerce and him, in March, 1990, that he had the building design and the financing in place and they tried to convince me that he had world bank financing. I have seen no notice of that in the paper. Maybe I missed it because I think he would have to notify the adjoining land owners that he wants to build a hospital on that site. I do not know if he has Planning's permission for this building which is going to start at the end of this year. Has it been approved by anybody other than him?

The conversion of the surgical ward to an Intensive Care Unit. That has not been done. It is not feasible to do that because we cannot meet the Planning requirements. But we have done other things. We have changed all of the air-conditioning systems and the air-handling units to improve the sterility of the area.

**MADAM SPEAKER:**

Honourable Member, have you reached a point where we might take the suspension? The House will be suspended until 2:15 p.m.

**AT 12:46 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:23 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed. The Honourable Elected Member for Health and Social Services continuing the debate.

**HON. D. EZZARD MILLER:**

Thank you, Madam Speaker. When we took the suspension for lunch I had outlined some of the things that the Hospital had done since 1990 with direct bearing on the items which are in the Schedule to the Bill. I pointed out that we have, in fact, done all of the design work, drawings and costings for the 12 bed surgical unit to be added but Planning has returned to us certain stipulations which we cannot meet such as we have to first of all increase and replace the sewer treatment plant at some substantial investment of somewhere around \$150,000 before we can add additional beds.

It is not possible to have done the way the Schedule to the Bill was written. So, therefore, we have to be honest and frank enough to come back to this Honourable House and ask Honourable Members to change the Schedule to allow the Board of the Health Authority to identify the most urgent needs of the present Hospital which will contribute to its future use. To have those we have put the safeguard on it in the Bill that they have to get in addition to the Board, the approval of Executive Council. Most other Government Authorities do that kind of work on their own. They do not have to refer to Executive Council unless they are coming for a loan guarantee.

As the Member for Education said, this is the first time and the only time that loans have been done in strict accordance with the Public Audit and Finance Law with a specific Schedule for the funds to be expended under. Under normal circumstances we include the loans in the Appropriation Bill. That is also well and good but Honourable Members cannot, on the one hand, say that we are not doing anything and when we try to do things correctly that we are trying to sneak something by or that we are not telling the truth. There can only be one truth, there cannot be two truths about the same thing. They have said that I have not told the truth about the Hospital. I challenge them to prove me wrong. If I am telling the truth, produce the truth. The CIMDS based their total criticism on, according to them, the fact that we have had decreasing attendance and patient load at the Hospital since the introduction of the fees in 1991. That is simply not a fact.

The facts are and these are statistics that the out-patient usage, the population of the out-patients at the Hospital in 1991 was some 1,000 higher than it was in 1990. The in-patients, with no increase in beds and still having to turn elective people away, we had over 300 people because of improved management and things such as the introduction of day surgery. We had 300 more patients in 1991 than we had in 1990.

When it comes to projections, there is only one sensible and reasonable thing to do and that is to look at historical trends and demands and utilisation and apply them to current

day statistics and project the trends forward. That is what the Hospital staff has done. We went further. We took the document to Ernst and Young and had it certified by them.

What qualifies three or four doctors to second-guess an auditing firm of the stature of Ernst and Young, and an auditor of no less stature than Mr. Naul Bodden? Is Dr. Tomlinson really qualified to argue with somebody of the stature and experience in auditing and accounting as that of Mr. Naul Bodden? I would say not. Neither is Mr. Naul Bodden qualified to second-guess Dr. Tomlinson about surgery. He would never attempt that, but these doctors (with their halo effect because everyone is afraid to criticise them because their life might be in their hands) believe that they are all things to all people.

I am going to deal in detail since the Second Elected Member for Bodden Town referred to it and relied so heavily in his debate on what he regards as their facts as opposed to my facts. We will see who is telling the truth. Now to try to deal specifically with some of the concerns raised by some of the Members. The Third Elected Member for George Town, as usual, does not listen when I am trying to give him some information. He is reading some law book, or something, or studying the Budget now trying to find whatever. He was totally confused as to what I said had been done and as to what I said was going to be done. I was quite clear. I said that the last several items in the Bill, that is the development of a master plan for the future site of the George Town Hospital, had been done.

The Member is always referring to articles in the *Caymanian Compass*. He has seen the article in the *Caymanian Compass* where we published the master plan. He knows it has been done. I said we had completed the master plan for the Faith Hospital in Cayman Brac. He has also seen that in the press. We have completed the design work for the 18 bed addition.

To address the concerns of the Second Elected Member for Cayman Brac specifically in that area, his concern about mental health beds in Cayman Brac are provided as part of that 18 bed addition but we do not have a room which is labelled "Crazy People" because we are going to treat them as sick people. We can use the room to treat other sick people and that is the proper way to plan health care facilities. I told him that we had done all of the design work for the seven items and we had made many improvements. I went on to say that some of the projects were identified by the Health Authority to use the remainder of this \$1.5 million, because we have spent \$500,000 out of it, and the Member knows that in the 1992 Budget which he is currently looking at, there is a loan under Finance and Development of \$1 million which is going to be transferred to the Health Services Authority. He was told during that debate that that was the remainder of the \$1.5 million which was borrowed under this Law. So how he has gotten it up now that we are getting a new loan for \$1.5 million, is him playing lawyer, which he plays so well. He is trying to defend his case.

We identified certain areas that are under consideration. The replacement of the sewer treatment plant; the provision of a mental health, substances abuse and physiotherapy facility; some corrections to the x-ray building so that we can provide better services there; some further corrections to the laundry room to clearly divide soiled linen from clean linen and to have a proper circulation within the Department so that the two do not mix. This should have been taken care of when he designed what I am trying to correct now because that was done under his administration. They put the dirty clothes on the same table which they put the clean linen on when it was finished. That was his idea of a good laundry building and we are trying to correct it now so that we can definitely have the dirty, soiled linen coming in one door, being washed, cleaned, and sterilised, and put into another room to be folded and stored for distribution to the wards. That is the proper way for the materials to flow.

We said we needed to add some more to the computerisation to facilitate better financial management and planning and those are the areas that the Health Services Authority Board is looking at to spend this money. Just for information it might do him and the Second Elected Member for Bodden Town good to know that I spent three and one half hours of my time at the Glass House meeting with Dr. Tomlinson and his CIMDS in September last year trying to justify the need for these facilities to them. They were totally opposed to them. They were totally opposed to any money being spent on that site. I spent three and a half hours with them and told them that the Health Plan called for certain improvements to that site, certain things to remain on that site and the building of a new Hospital on a separate site but that it was a 15 year Health Plan, and it was not all going to be done in 1991.

As usual, after the long discourse they agreed that everything was "hunky-dory". Two days later you pick up the newspaper and they are opposed to the Health Plan. No Member of Health in the history of this country has offered the Cayman Islands Medical and Dental Society more access or given them more opportunity or input into Government's health policy than I have. They are not the only people I have to take advice from. The final decision, the blame rests with me not with them. I am the person charged by the Governor with responsibility for health in this country.

That Member feels if we cannot meet the Planning restrictions, just move it to another section on the site. That is his typical, what I heard one architect describe at a meeting some weeks ago as, "Jell-O design". You plug it in here and it will bulge somewhere else. You poke a finger in here and it will bulge in another place. That is what happened to the whole compound because he applied his "Jell-O" type design techniques and wherever anybody wanted a little piece added on, he added it on with no relationship either functionally or service-wise to what already existed. That is the problem that we have now.

I do not expect that Member to agree with me to correct his several mistakes made on that compound. I accept that. He cannot on the one hand be advocating all of this improvement in health care for people and then every time the Government brings something to try to improve it, they all get up and oppose it. Nothing but opposition! In spite of those six Members we have made some strides in improving the accessibility and quality of care in this country over the last three years. I would hazard a guess and say that we have made more progress in the last three years than we made in the last several decades, eight years of which that Member can take all of the glory for.

Now the Second Elected Member for Bodden Town was also somewhat confused in particular about the section in here which talks about providing access to the new Hospital. He would have the public believe that this \$1 million is going to be spent to buy land on which to put the new Hospital. That is just not so. In November last year when the National Budget for 1992 was brought to this Parliament, the \$1 million carried a rider; \$100,000 identified to assist in purchasing the land for the corridor to provide access to the new Hospital. Let me hasten to add that that road is not going to be solely for the new Hospital. It is going to service several of the constituent members of the Third Elected Member for George Town and they should take note that he has totally opposed any upgrading and providing them with proper access in that area. He is going to have to get out his Bronco when he starts to go around electioneering this year because his Cadillac cannot go down those roads in their present state. That is why he has two obviously.

That \$100,000, because the Government decided to build a new Hospital on that site and because in consultation with Public Works, as was proper, Public Works felt we needed a new and separate access area into that area. During the budget process it was felt that we should identify some of these funds to go toward the purchase of that road corridor because once we survey and gazette it we are liable for the cost of the land. This was an attempt because we could not find the funds anywhere else in the Budget, I told them we would take it out of this loan but it had to come back to Parliament for the Schedule to be changed before it could be spent on that. That is all that we are doing.

I do not know how many little piggy banks he left in the Government but I have not been able to find one. I agree with him totally that the Hospital is not mine. He is absolutely correct about that. The Hospital belongs to the people of this country. We are not proposing to call it the Ezzard Miller Hospital, we are proposing to call it the Dr. Harder Memorial Hospital.

I do not need, as they think, grandiose schemes with my name on them. If I fix a road in North Side, it is not called the Ezzard Miller Road. I spent my entire annual salary on a public beach in North Side for the people of North Side when I moved a motion in Finance Committee to upgrade the salaries. I did not get any benefit from it. The people had to re-elect me before I got one dime out of it and a public beach in North Side. You do not see Ezzard Miller's name scribbled all over it. It says "Public Beach."

I have heard all them campaigning about how they were going to give back the salary. I wonder how many of them have given any of it back? That is proof positive. They blame me for raising the salary but they have all accepted it, collected it and kept it. In my opinion, the six of them are not earning it because when I send them papers such as the Health Insurance Law, they do not even take the time to read it and send me back their comments and they had it for five months.

The Second Elected Member for Bodden Town, unfortunately, as did the First Elected Member for West Bay, spoke about the unfortunate article published by Dr. Tomlinson again, claiming victimisation of medical staff at the Hospital and that serious disciplinary action was going to be taken. That is a matter between an employer and an employee. The Health Services Authority are those doctors' employees. Anything the Health Services Authority has done is in accordance with the rules. Since it has been made public, all that I will say is that they had an audience with the Board, they had an opportunity to deny association with it and they did not. The Board acted in accordance with the rules and issued a letter of warning. There is nothing wrong with that. There is no victimisation. But I wonder how many of them would allow their employees to go out and publicly criticise their firms' policies?

Those doctors know what their terms of employment are. If they do not, they had better read the contracts because they are not dealing now with a far off bureaucracy. They are dealing with a Board, immediately in authority over them as their employer, who is going to give them fairness and equity, but demand performance. I have no control over it. As for his claim that the position of this Government has changed the term "health care" to "don't care," I ask him to demonstrate his stewardship when he had collective responsibility in Executive Council for health care and to show me who had the "don't care" attitude and who has a "health care" attitude.

Now he went into all kinds of things referring to this document by the CIMDS saying that they have no political aspirations. The question I have to ask about that is why all of the meetings between myself, CIMDS and Dr. Tomlinson over the last two years were not published? Why were they only started to be published since last September with an election this year? I did not put them in the political arena but I have said to them already if that is where they want to fight it, I have no problem with that. I told them I was not going to be kind and I promise you, Madam Speaker, before I sit down this evening they are going to know when the day comes that they put themselves in the political arena not to expect any kindness from me. They do not give me any.

As for their contention that they tried to meet with the Board to discuss these matters, that is the biggest lie under the sun. They wrote a one-line letter to the Board. They wanted an audience with the Board but had no agenda or matter to discuss. Two weeks before that they had publicly stated that all of the members of the Board were a bunch of idiots and that they were my political appointees and were there only to serve me politically. Can you blame the Board for not wanting to meet with them? I do not.

Let us look for a minute at how they distributed this document that they claimed they wanted to discuss with us but could not meet with us. Every Member of Executive Council had a copy Tuesday evening except me. For some strange reason, mine was hand-delivered to the Portfolio of Education at 5:30 p.m. that evening. They distributed it to the press but they did not distribute it to their executive members nor to the membership. The Board and myself had to supply copies to 27 members of his Society. I have been unable to find one member of his Society other than his executive who saw the document which he claims represents the Society. Let him explain why the members of the Society are now resigning.

Since he never had any political reason to put it the way he did, why would he go to all this trouble on a draft of a document and point out clerical errors and typographical errors?



That just shows the mentality of the individual. I hope he is more thorough in his diagnostic work. I have reason to believe that at times he may not be but that will be dealt with in the proper circles and I want to hear him cry "victimisation" then too.

He went around to at least three of my Board members and bragged that he was going to drop a political bombshell that was going to stop the building of the Hospital. He tried his best and he has failed because the public sees it for what it is. It has nothing more than nuisance value to me because it is not based on anything factual. He thought that he could release that in time and at the exact moment that the approval for the loan was coming to Parliament. But you see when you are so conniving there is a Good Lord up there protecting this country, you know. While I do not profess to be the greatest Christian in the world, I have a good Christian mother who prays for her son on a regular basis and is doing her best to raise a good son. I may have failed in some ways but I do not think she is too ashamed of me in most circles.

He mis-timed it. In every article that he writes he always sticks in that little paragraph saying, "The Professional Medical Centre is building a private hospital." We do not need any beds but he is building some. Why is he building some if we do not need any? I hope he succeeds. I have put nothing in his way to keep him from succeeding but he has yet to succeed. How can anyone claim, with the circulation of all politicians, all Members of Executive Council, the press but not to your own membership and the Board of the Health Services Authority, to have no political aspirations? He has none because it is no good in him having any. If thinks he can be successful, then come out in the political arena.

I went out and the people put their confidence in me to represent them, you know, and my colleagues put their confidence in me to put me here to do a job. I am doing the job. He might not like it. They might not like the job I am doing either but I told them if they were putting me here to run a popularity contest they were putting in the wrong guy. But if they were putting somebody in here who is going to do a proper job of managing it irrespective of the political consequences, they were voting for the right fellow.

That is the problem they have because I am not a politician's politician either. I do not meet one of them in one room and agree with him and go into the next room, meet another one and agree with the complete opposite just to keep them all smiling and showing their teeth. If I make a decision, I stand by that decision, and before I make that decision I get as much input as I can get. But you see, those politicians who are designed to accommodate and compromise, are always taking input. "That is what you believe in?" "Yes man, I believe in that too." "But that is the opposite from what you just told him." "Yes, but my mind changed, man. You can vote too, you know. I have to agree with you too. I want you to look happy too." That is their attitude but that is not my style.

The Second Elected Member for Bodden Town spoke about adding diagnostic equipment and he quoted that wonderful phrase from the CIMDS Report where they maintain that we are spending too much money adding accommodation and not enough on adding diagnostic and technological advances. I guess they would like us to put the equipment beneath the tree because to have the patient in a controlled environment where you can use this diagnostic equipment and provide the treatment, most times you need a bed for them.

If they are talking about out-patient diagnosis and treatment, the private doctor should do that. They should stop charging the public \$80 or \$90 to see them and then them send to the Hospital to get x-rays for \$9 or \$70, or whatever it turns out to be because they are too cheap to provide an x-ray machine and hire a proper technician or provide a lab technician. They take your blood and shake it in a vial in their room and then tell you that your sugar level is all right. Nobody knows when the machine was tested the last time. They should put up proper facilities. They are the ones who should have the diagnostic equipment. The new Hospital represents leaps in technology from what we have now. They are aware of this. They are the same doctors who asked for these and got them in the Facility Committees.

They talked about me cutting down on the fat contracts to the Cleveland Clinic. I told every community in this country that with the introduction of the new Hospital and the facilities for better diagnostic equipment, I expect to cut the contracts in half but I cannot do that without their support to put in the proper facilities to do it with. We would like to put in a treadmill and cardiac halter monitor at the Hospital. I challenge them to go up there and show me where I can put it.

To expand the Laboratory you have to knock down the Out-Patients because the two buildings are about 18 inches apart. You cannot build up in the air because Cayman Airways and that 757 from American, if you go up another two stories there you will have to build it around them so they can fly through it. Maybe they think that would be entertainment for the patients. I see the Third Elected Member for George Town making all kinds of movements and motions out there. I know that is the way he would do it. I have a copy of the proposal from their consultant for the mobile hospital that they were considering. He went up to the compound, sneaked around and made measurements and told them it could fit. He sent me the same proposal, \$2 million for the plans and \$8 million for the portable hospital coming in on wheels. The first time the 757 flies over it, it will fall down. That is what they call good planning.

We have always tried to design efficiencies in whatever we got at the Hospital to keep the price down because I believe that quality care should be affordable to the people of this country. I can give that Member the unequivocal assurance that Public Works did not do any engineering work on the present Hospital site and somebody else paid for it. You have seen the Public Accounts Report where the Chief Engineer told them that he had nothing to do with the new Hospital. That will be corrected in the Government Minute too, because he is part of the TC which made the final selection. He sent his representative, who was part of the short-listing process which designed the plans, the firms under which the selection process was done scientifically. So how he can come here and tell them he was not involved I do not know, but I have it in black and white from him. His man Mr. Max Jones, was at every meeting.

They say that swamp land cannot be filled. We have an

advertisement in the paper here today "Half-acre lots, filled swamp land in South Sound, \$146,000 per half acre." Multiply that by 37 acres and tell me how much you get. That is an advertisement by one of the Backbench Members who opposed putting the Hospital in the swamp because you cannot fill it, and our swamp is not as deep as that one. We have done the necessary engineering work. It was not done by Public Works and it did not cost \$3 million for an estimate to see it filled. The engineering work on that was done by none other than Mr. Lloyd Hugh, who is one of the most respected geotechnical engineers in the whole Caribbean, not only in Cayman.

The first thing he did was to clear tracks through the property every 100 feet. Mr. Lloyd Hugh then did soundings on those tracks every 20 feet to find the depth of the mud. He then went in with a tractor excavator and dug pits all over the place where the lake was going to be put and where the building was going to be put. No, there is no truth to the rumour that he lost a couple of Hi-Macs there. We know that the Third Elected Member for George Town has been spreading that. He had one of his henchmen up there last Saturday in front of the television camera with a stick saying, "You know this thing is 14 feet deep," and he jumped onto the ground on drove that stick down. It went down about six inches, bounced back and nearly knocked him down. What a surprise he got!

He did not even have the ability to try to poke around and find a little hole that he could slip the stick into to. He was so sure that this thing was 14 feet deep that he got before the television camera, jumped onto the ground and drove that stick down. I believe he had a real pain in his shoulder that night because it went down about six inches and came back. He was probably set on the mission with the bus and everything else by the Third Elected Member for George Town but he should have come with him because I was there to welcome them with the engineer, with open arms. We took him, showed him the pits which were dug and the engineer made a simple statement: "The land is suitable."

I hear that the Member has problems with swimming. He has to be careful too because I hear he likes to go fishing and I want to make sure that he is abiding by Mr. McNaughton's rules and that he has enough safety equipment on the boat. But if he goes up there with his boat he is going to get in a lot of trouble because he is going to smash up plenty of his propellers. After Mr. Lloyd Hugh had finished digging the holes with the tractor to make sure that we had nine feet of marl which was usable, he then took in a drilling rig and bored wells down through the hard rock to make sure we had rock on which we could build the foundation for the new Hospital. He is being retained as the engineer for the whole filling of the site. It will be filled in six layers, compressed and tested by him.

We are not building a Hyatt, you know. We are building a single storey building. The Third Elected Member for George Town knows that those single storey buildings have no problem on swamp land even when you only put the marl on top of the peat and the person who is building your house has to drill down 11 feet through the mud to find the rock to hold up the corner of your house. If he wants to see the geotechnical surveys on that particular area, I can produce them for him too. After I checked it out, I refused to buy it because some people told me that when you walk on it you can feel the mud shaking under your feet below the three feet of marl. We are going to engineer it properly and as I said, it is a simple spread foundation and a single storey building. There is nothing to worry about.

The Second Elected Member for Bodden Town claimed and the CIMDS, in this unjust document that they have published, started off by saying that their main interest and only interest is their patients. I am glad to hear that and I am going to hold them to that. How they get all of these machinations and numbers, and imagine that we are going to have 102 per cent occupancy and all that kind of thing, they are the only people from whom I hear you can have a 102 per cent occupancy of beds. How they do their compilations of revenue for the Health Services Authority, I wish they were correct that the revenue this year is going to be \$16.5 million. I wish they were correct. Maybe they know something I do not and they are planning to give me some donations.

Madam Speaker, we have made many of the improvements that that Member wants to see. I will invite that Member to go on a tour of the Hospital site one day with me so that I can show him the various improvements that we have made because it will do his heart good to see that he has a Member for Health and Government which is concerned about the people and have made so many improvements since the last time he was there. He has one thing right. That document is the drum beat of the Medical Society but the tune that they are playing does not have the patient at heart and they are not worried about the facilities. They are worried about their own pocketbooks.

He quoted from one paragraph of one letter but he never said what the letter was all about. He said who is was from and how many people they represented but in his normal, shrewd debating way, he never identified what the subject of the letter was. He kind of left it as if this letter had something to do with the Health Plan. That letter was about the national pension legislation and we all know how the Chamber of Commerce felt about that. They have drafted and started a plan and I will predict that in five years, just like their health insurance plan, it will not exist. Because of their political rhetoric and the funds they have at their disposal to go out and oppose and misinterpret, misrepresent and misinform the public about pensions, the public is probably going to be deprived of the benefit of a proper pension for the five years it takes them to fail, just as they did with the national health insurance. In 1985 that was the answer to everything but the bottom dropped out of it a long time ago.

When the Member for Education was contributing to the debate he said that the Government was talking about a \$16 million turn-key operation and that we had written into the contract that if it could not be built for \$16 million, they had to re-do it. The Member said from across the Bench, while making all kinds of signs and noises, that it could not be done. I can assure them that that clause is in the contract.

I can further assure them by reading the following letter that I not only put the clause in the contract, I took the specific time to raise the clause in a client committee meeting.

which I chair, to make sure that the architects understood what I intended it to mean, irrespective of the legal language it was written in because I did not want them to come down here if it did not come in for \$16 million with a battery of lawyers trying to redefine to me "believe" and have 15 different meanings for it.

I told them I wanted a letter from them and this is what they wrote back and told me: "I refer to my earlier letter on the subject to you dated 5th December, 1991 [That is the letter they wrote first which was not clear enough for me. I told them I could not accept it and that I wanted it more clearer.] "...a copy of which is attached for your easy reference. The important point alluded to in this letter deserves clarification." That is what I asked them to do because I told them I did not want it "alluded to", I wanted it out in the clear.

"In a client committee meeting early in the development of this project you asked about our responsibility for the clause in question. I responded that we will do everything in our power to design the project to the \$16 million cost limit. I further responded that we will modify the design to meet that cost target either during final design or after bids are in hand. Such redesign work to bring the cost in line with the budget are basic services under our agreement with Government."

That means that if they have to redesign it, they are going to have to redesign it for free or under the same cost which they designed it for. It is crystal clear. "This letter and my earlier letter to you on 5th December, 1991, taken together, clearly expresses our position in my view. I hope you find this satisfactory.". They know that when I ask for something from the consultants they have to give me what I contracted them to ask for and they do not pull the wool over my eyes. This is signed John Michael Curry, Senior Vice-President, Ellerbe Beckett.

The Third Elected Member for George Town is always chastising and postulating that everything must be done by fixed contract. Let me assure him, and some Members have said that if this happens it will be the first time it will happen in history. No, it happened with the Dental Clinic too. We said we could do that for \$600,000 turn-key, and we did it for the \$600,000 turn-key, even after Public Works backed down on their part of the contract. We had to hire someone else to do the work for them. The contract for the building, equipment, furniture, site works was on target and on time.

The little work you see done on the parking lot up there, Public Works charged us a friendly \$30,000 to do that because they had one truck taking the in marl to put in the hole and they had another truck taking out the marl which came out of the hole but I cannot do anything about that. I do not have the authority to correct those kinds of things. The bidding documents which have gone out to tender are unlike the standard format which they use where the bill of quantities is certified and you price that and if there is any variation, for example, if they say it can take 500 blocks and it takes 550 you have to pay them for the extra 50 blocks. That is not the case with this Hospital contract. We are supplying a bill of quantities but we are not certifying it. The contractor must price it and he must give me a fixed price contract. If he has to find another 500 blocks it comes out of his pocket.

Now we will see how the Backbenchers react to that when their friends in the construction industry start questioning about it and why I am trying to change the order of the day. But they will do that and smile at each one individually and say, "Whatever he wants I will give unto thee." The Elected Member for East End tried to make a big deal out of the fact... Madam Speaker, if he is absent as he usually is from the debate, I cannot help that. The East Enders will have to deal with that in the 1992 Election, not me so I do not need the Third Elected Member for George Town to interfere with what I am saying. I make no apologies for what I said in that motion. I have demonstrated what we have done. The mere fact that we have done more operations in 1991 than we did in 1990 means we had to make some improvements. So we had to improve the management and the scheduling, and those things have been done.

He was one of those people who felt that it could not be done and he tried to compare it to Cayman Airways. This Government did not set up Cayman Airways. If they had done in 1978 the kind of careful planning, research and design, and implementation scheduling with Cayman Airways as this Government has done with this hospital project maybe we would not be in the mess we are in today. But we have managed, in spite of them, to keep Cayman Airways going. And they will get up in the Town Hall and tell the staff they are going to provide this and that, knowing they cannot do it and when it comes to the crunch, they vote against it. The *Hansards* of the House will bear that out.

I am not blinded, as that Member seems to feel, by any glitter from the new Hospital. I have been open, frank, and forthright with the people of this country. The answer to long term, improved provision of health care in this country can only be found in a new building on a new site. It is time for the Backbenchers to realise that and to be honest enough with themselves to admit it. It would be better if they got up and praised the design work done by the Hospital staff - and not chastise me for having to go through all of this process because they kept the pressure on me - instead of continuing to criticise the design work and trying to fool the people that we do not need a new Hospital.

This Bill deals with developments and changes which need to be made to improve the quality of care offered at the present site. All the Bill does is to ask the House to give the Health Services Authority Board and Executive Council the permission and the opportunity to identify some of these areas which need urgent attention such as the sewage treatment plant, and to replace it on the approval of Executive Council to see if things like that can lead to improved health care delivered on the present site.

Madam Speaker, it is extremely unfortunate that what should be a professional organisation, giving professional input in the proper way to the Health Services Authority or to Government, has allowed itself to be used as a political means by the Backbench and their supporters out there within that organisation, namely the President, who we all know has been on every Unity Team platform and every

election that he can get on, to reduce what should be a respected professional organisation to nothing more than an organisation involved in political rhetoric trying to derail the provision of proper health care facilities in this country.

Had they acted in a responsible way, and waited until they got a final copy of the document, or even took the draft copy, done their critique, and sent it to the Health Services Authority Board after having it approved by their membership because the document which has been circulated was not circulated or approved by the membership of that Society. That is a terrible injustice to the members of that Society.

The Health Services Authority, as I said, had to photocopy 27 copies. I have some letters from individuals disassociating themselves from the Report or the production of the Report. To the best of my knowledge, at least two members of the executive have resigned since because not all of them, I do not believe, saw the document. In fact, the information that I have is the President was told not to publish the document and not to circulate it. The trouble is he had done it the day before the meeting for them to discuss it. The copy I have is dated the 22nd of the month and he had the meeting on Sunday the 23rd.

If the professional members of that Society choose to be intimidated by this individual, allow him to run roughshod over them and to put them in this kind of political quagmire then they will have to do whatever they have to do about it. I cannot help them. I have no choice but to defend the actions of Government, the position of Government and the Health Services Authority Board, which are the correct positions. Then he is trying to intimidate the Board because some doctor went to him, and he is going to make all of these wild statements in the press about taking serious disciplinary action. That is totally unfounded.

Whether the Society wants to do anything about it or not is up to them but if 26 of them have certified to me collectively that they do not support what is in the document, the 26 of them will have to go to the next general meeting and vote him out as President because when he does those kinds of things to an organisation he deserves to be thrown out of it. They should not only take him out as President but they should disbar him from the organisation. It is unfortunate that some Members chose to bring in all of this into this debate about a simple little Bill but since they brought it in, I had to respond. I cannot tell you that I enjoy criticising a professional organisation such as the Cayman Islands Medical and Dental Society. I do not. I have met with them for many, many hours and had good, sensible discussions with many of the members.

The members, any one of whom sees me on the side of the street, make a point of telling me that they do not agree with what is going on. They had to call this man up several times before for the same thing. This is the same President who wrote me a letter on behalf of the Society asking me to appoint somebody from the Society to the Health Practitioners Board. The very day I got the letter I called him up for a nominee. He nominated himself. Two weeks later I got a letter back from him chastising me and the Government for appointing him to the Society on behalf of the Society. That is what the public must pay cognisance to? No, Madam Speaker. That whole document should be treated as the majority of the public has treated it.

Madam Speaker, I recommend the Bill to this Honourable House.

**MADAM SPEAKER:** The question is that a Bill entitled the Loan (George Town Hospital) (Amendment) Bill, 1992 be given a Second Reading. I shall put the question.

**QUESTION PUT: AYES AND NOES**

**MR. W. McKEEVA BUSH:** Can we have a Division, please?

**MADAM SPEAKER:** Certainly.

**DIVISION NO. 5/92**

**Ayes: 6**

Hon. Clive Borrowman  
Hon. J. Lemuel Hurlston  
Hon. W. Norman Bodden  
Hon. Benson O. Ebanks  
Hon. D. Ezzard Miller  
Capt. Mabry S. Kirkconnell

**Noes: 5**

Mr. W. McKeever Bush  
Mr. Truman M. Bodden  
Mr. G. Haig Bodden  
Mr. Gilbert A. McLean  
Mr. John B. McLean

**Absent: 4**

Hon. Thomas C. Jefferson  
Hon. Linford A. Pierson  
Mr. John D. Jefferson, Jr  
Mr. Roy Bodden

**AGREED BY MAJORITY:** THE LOAN (GEORGE TOWN HOSPITAL) (AMENDMENT) BILL, 1992, GIVEN A SECOND READING.

**MADAM SPEAKER:** The result of the Division, six Ayes, five Noes. The Second Reading debate has been given. The House will now go into Committee to consider the three Bills.

## HOUSE IN COMMITTEE AT 3:23 P.M.

**COMMITTEE ON BILLS****MADAM CHAIRMAN:**

The House is in Committee to consider three Bills entitled the Health Care Insurance Bill, the Guardianship and Custody of Children (Amendment) Bill and the Loan (George Town Hospital) (Amendment) Bill. As is customary, I assume the House will give the Honourable Second Official Member authority to make any minor amendments in the Bill. The Clerk will now read the clauses of the Health Care Insurance Bill, 1992.

**THE HEALTH CARE INSURANCE BILL, 1992**

<b>CLERK:</b>	CLAUSE 1:	Short title
	CLAUSE 2:	Commencement
	CLAUSE 3:	Application
	CLAUSE 4:	Interpretation
	CLAUSE 5:	The Health Care Insurance Commission
	CLAUSE 6:	Meetings of the Commission
	CLAUSE 7:	Member may give Commission general directions
	CLAUSE 8:	Obligation to insure
	CLAUSE 9:	Employer to pay premium, etc.
	CLAUSE 10:	Liability of employer in default
	CLAUSE 11:	Approved schemes
	CLAUSE 12:	Restrictions on health care insurance contracts
	CLAUSE 13:	Approval of insurers
	CLAUSE 14:	Restrictions on standard health care insurance
	CLAUSE 15:	False declarations, etc.
	CLAUSE 16:	Liability of officers of corporate bodies
	CLAUSE 17:	Recovery by the provider of a health care benefit
	CLAUSE 18:	Approved insurer may pay benefit direct to health care provider
	CLAUSE 19:	Fees to be paid by Government to Authority
	CLAUSE 20:	Certain disputes to be referred to Commission
	CLAUSE 21:	Appeals
	CLAUSE 22:	Regulations

**MADAM CHAIRMAN:**  
Bill.

The question is that clauses 1 through 22 do stand part of the  
The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Chairman, in clause 6 it is not clear whether the Chairman of the Commission would have a casting vote as well as an original vote and I would like to find out if in the way this clause is drafted the Chairman would be allowed to have two votes. If that is the case, I would like it to be changed.

**MADAM CHAIRMAN:**

you use the microphone, please? Thank you.

Honourable Second Official Member, would you reply. Would

**HON. CLIVE E. Borrowman:**

Clause 6(2)(c) says: "(c) questions shall be decided by a majority of the votes of the members present, with its presiding member having a casting vote if there is an equality of votes;"

**MR. G. HAIG BODDEN:**

I understand that the presiding member would have a casting vote but is he precluded from having an original vote is what...

**HON. CLIVE E. Borrowman:**

No, he can vote on any question.

**MR. G. HAIG BODDEN:**

vote.

He could vote on the question but he would also have a casting

**HON. CLIVE E. Borrowman:**

Yes.

**MR. G. HAIG BODDEN:**

Madam Chairman, I would just like you to put this clause separately because I certainly want to vote against 6(c) when we get to it because with the way things are going now I cannot trust one person having two votes with some of the threats I have heard in the winding up of the Loan Bill today which may have some bearing on some of this. You know there is the threat about the professionals and the surgeons who cannot make decisions on other issues than medicine and all of that, and I am really getting worried about the disintegration of the services here. There are many other things which I want to question in other clauses as well.

**MADAM CHAIRMAN:** Well would you proceed to question any other clause because I have not put the question yet. I have just proposed the question of clauses 1 through 22, I have not put the question finally. So if there are other questions, you can ask them now.

**MR. G. HAIG BODDEN:** Yes. On clause 8(1) I notice the penalty for that is a fine of up to \$10,000. I am wondering for an offence like this if the British Government had not done away with the death penalty, would the Member have suggested the death penalty for this as well? This seems like an offence which cannot be that serious and to have a fine of \$10,000 seems outrageous, to say the least. I certainly will want to vote against 8(1) when we get to it.

**HON. D. EZZARD MILLER:** Madam Chairman, I hasten to point out to that Member that it is quite clearly stated. It says: "A fine not exceeding \$10,000." That is the maximum fine. You know, he is dragging in about whether I would put them to death or not, not really, but that is a very serious clause.

**MR. G. HAIG BODDEN:** But this is a serious fine, you know. I think it was Shakespeare who said, "You take my life when you take the prop that doth sustain my life.". If you are going to fine the little man or the little business \$10,000, you could well put them out of business. I cannot be a part of that. I do not care how much he wants what he wants, I certainly am not going to support it and would ask that you put it separately. On the clause...

**HON. D. EZZARD MILLER:** Madam Chairman, further, these fines are in keeping with those fines that are normally put on Laws and the Penal Code and whatnot. I must point out to the Member that it is not what I want, it is the Judge who is going to be putting on this fine, not me.

**MR. G. HAIG BODDEN:** I know it will be the Judge and thank God he will not be the Judge but nevertheless, the Legislative Assembly fixes the maximum fines and I think the maximum fine, in this case, is out.

On clause 11(1) I have to raise something which is even more serious. That is, that an employer may comply with the Law without having one of these approved schemes if he is able to provide a scheme which is no less beneficial than those that the person would be entitled to receive under a standard health care insurance contract. My question here is where is the person going to find such an insurance plan?

It is my understanding that of all of the major medical insurance plans sold on this Island, none of them pay 100 per cent of the bills. They may pay say, 85 per cent, leaving the patient to pay the other 15 per cent. The reason for this is that if the patient has to pick up a part of the cost, the cost is kept down. You would not have a patient malingering in the Hospital because insurance is paying for it. In other words, it is one of the safety checks which makes group insurance work.

Now I do not believe that you are going to find any carrier out there who is willing to sell a plan that is going to pay 100 per cent of the cost. There will be no opting out under this as there was no opting out for anybody under the pension plan because nobody would be able to find a plan which would provide what was proposed in the pension scheme. I certainly will have to vote against 11(1) and would ask that that be put separately.

Section 12(b), I imagine, has to do with the same thing because that provides a penalty of up to \$20,000 for those who provide a benefit which is less than the standard health care insurance contract. The point that I am making is that what is recommended in this Law is a health insurance contract that pays 100 per cent of the cost. My contention is that there must be hundreds of health insurance plans in force today and they are not paying 100 per cent of the cost. None of the major medical plans are paying 100 per cent. If we put this in, what is going to happen to all of the employees who are covered by that type of scheme? Will they be exempted or are these carriers going to have to close down, and what effect is this going to have on the industry as a whole? Are we going to see the demise of the health insurance industry because of this Law?

I also want to vote against section 13(4) which says: "The Commission may at any time require an approved insurer to produce any documents and answer any questions.....". I would like to find how this is going to affect the confidentiality in this country where we are trying to sell confidentiality in an offshore investment climate. I do not know if the Clerk read clause 22 as well...?

**MADAM CHAIRMAN:** We did all of the clauses.

**MR. G. HAIG BODDEN:** Yes, I think I need to vote against many sections in clause 22. In clause 22(1)(a) it says that the Governor may make regulations for the purpose of carrying this Law into effect, and prescribe the health care benefits to be covered by the standard health care insurance contract.

I have to vote against that because I do not think any insurance carrier is going to accept that the Government fix the contracts. Certainly if they do, I do not believe that they can live with (b) which is to prescribe the maximum premium that may be charged. I do not see any respectable company operating in a mandated rate climate. After all it is not Russia anymore, although this might have blown to here from there when Russia was dismantled.

So I think there is going to be hell to pay when the details hit the street because what has happened is the brown copy of the Law which was first circulated had all of these things in the Law and there was so much objection that the Member has taken them out of the Law and now put them in by Regulation, which is worse because when they were in the Law people knew where they stood. Now they are going

to be in Regulation and we know what this Executive Council is going to do if we follow what they have done. So I am going to vote against 22(b) and will want that clause put separately.

Clause 22(c) goes on to prescribe the terms and conditions of the standard health care insurance contract including allowable exclusions and exceptions, and so on. You know, the Government regulates, say the third party insurance but the Law leaves it to the insurance company to fix the premiums and to set the terms of the policy. It does not fix the rates. I heard the Member talking about whether it would be \$44 and change, or whether the other few cents would be allowed as profit for the companies, and this has to be utter nonsense. I cannot be a party to any of this.

**HON. D. EZZARD MILLER:**  
the Member has said...

Madam Chairman, unfortunately I have to reply to some of what

**MR. G. HAIG BODDEN:**

more to say but if he wants to reply, all right.

Of course, Madam Chairman, I have not finished, I have some

**HON. D. EZZARD MILLER:**

Madam Chairman, the brown copy of the Bill which was circulated first was in two sections. One was the Regulations and the other was the Bill. The second brown copy which was circulated was the Law only. All of this was done in full consultation with the health insurance industry. They even formed an association of health insurers, of which Mr. Harvey Stevens was elected President, which met with my Portfolio's Health Insurance Committee on a regular basis. They have seen the Law and they have agreed with what is in it. They have had discussions with the actuary and have been told how he calculated it and what it covers. None have said that they cannot pay 100 per cent of the basic plan.

Now if they are making that representation to the Member, that is certainly contrary and contradictory to the representation they have made to the National Health Insurance Committee. They have assisted us in drafting the Law. Not only the local representatives of the international companies, but the international companies have sent in actuaries and lawyers and the copies of the Law were sent to them for their input. All of them have come back saying they are reasonable provisions and can be administered.

So the way the Member is going on about the Bill, he should just have the nerve to vote no against the whole Health Insurance Bill. Maybe that does not suit his political fancies and he wants to take out these little clauses and try to make the public believe that these are some - what is the famous word that he uses, "draconian" - draconian acts which are being done.

The people who sell health insurance here, the seven or eight companies who I have met with on a constant basis, not a week has gone by that we have not had consultation with them in the drafting process of this Bill. We have met with their international lawyers and actuaries. The actuary who figured out the \$44.57 met with their actuary and their companies. Most of what the Member is saying is news to me.

**MADAM CHAIRMAN:**

further to add? Have you finished?

Honourable Second Elected Member, do you have anything

**MR. G. HAIG BODDEN:**

Madam Chairman, I have a couple of other things and one of them is clause 22(2). It says that the Governor has no power to make Regulations unless he has sought the views of the Commission and such people as he reasonably considers representing the insurance industry and has given them a reasonable opportunity to respond.

I am questioning what safety does this give the public? When we see the attitude of the Member to the medical profession in dealing with matters under the Medical Services, we see his attitude to professionals who have been recognised as such for many decades in this country. So this, to my mind, does not provide any safeguard for anybody under this Bill....

**HON. D. EZZARD MILLER:**

Madam Chairman....

**MR. G. HAIG BODDEN:**

May I finish? I know I am wasting my time. I know how the votes are when it goes to the vote but I only want to record my position. This is just a trickery of words and that is all.

**HON. D. EZZARD MILLER:**

Madam Chairman, the Member should be assured by the clause itself. It does not say "the Member", it says "the Governor". The public assurance comes in section (3) where any regulation made under this Law has to come to this Parliament and be subject to the affirmative resolution. That is the safeguard so that the public and the industry will know what is going on. I cannot guarantee debate but any Member sitting in this chair will have to provide the opportunity for debate of those Regulations before they can be put in place.

We could have done it the other way. We could have made them subject to negative resolution and simply laid them on the Table and if anybody did not object after a specified period of time, they would become Law. We have gone as far as to say the Member, whoever he is, has to bring them here and move that they be accepted.

**MADAM CHAIRMAN:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Chairman. I am going to begin with the last

one here and move forward to a few. Under section 22(2), is the Member going to lay on the Table the views of the Commission and the people who represent the insurance industry upon which the Governor in Council makes the Regulations?

**HON. D. EZZARD MILLER:** Madam Chairman, this Member, as usual, would have no hesitation in doing that but I do not know what another Member would do later on and he has publicly stated in this House that the First Elected Member for West Bay is going to be his Member for Health so I cannot put that in the stipulations for him.

**MR. TRUMAN M. BODDEN:** So is the Member undertaking then to lay these on the Table?

**HON. D. EZZARD MILLER:** I can undertake to lay what representations I get. I do not have any problem with that.

**MR. TRUMAN M. BODDEN:** I am also concerned and I expressed this with 22(1)(a), (b) and (c) because I felt that this should have arisen from a consultative process. I would like to take up one that the Second Elected Member for Bodden Town did not mention, section 7.

Section 7 deals with the giving of general directions to the Insurance Commission. I wonder whether the Member would be prepared to remove the word "Member" and replace it with "Executive Council" since it seems that Executive Council is going to be the one that is dealing with Regulations anyhow? This is very synonymous to that.

**HON. D. EZZARD MILLER:** Madam Chairman, the instructions I have is that that means exactly the same thing because "Member" is defined in the definition clause as "Member sitting in Executive Council."

**MR. TRUMAN M. BODDEN:** Would the Member show me that definition because what this says is the "'Member" means the Member responsible for health matters," not the "Member after receiving a resolution of ExCo." I think it means something different or they would not have put it differently.

**HON. D. EZZARD MILLER:** Madam Chairman, from where I sit the Law means what it says and it is quite clear to me. I would add one stipulation to it which would also apply to when he gets the First Elected Member for West Bay as his Minister of Health and that is that the instructions be tabled in an annual report to Parliament.

**MADAM CHAIRMAN:** Does any Member propose any amendments to this Bill. Are any amendments being proposed to this Bill? The Third Elected Member for George Town have you anything further to add?

**MR. TRUMAN M. BODDEN:** I just had a couple of other quick things. I mentioned in the debate that section 19 worried me and it is because of the generality of this in which it implies that the Authority will provide free health care and the Government shall pay it. Could the Member tell me generally, what he hopes to specify in the details of this section?

**HON. D. EZZARD MILLER:** Madam Chairman, that section is put in there to give Government another option beyond what every other employer has. Other sections of the Law allow an employer who employs more than 100 individuals to have two options. One, he can go out and buy from an approved, licensed health insurance provider the insurance coverage for his employees, or he can apply to the Commission to operate an approved scheme of his own.

In this section there is a category of people who are specified in the Regulations made under 15(1) of the Health Authority Law which the Government feels fit to provide free health care to. Now the government could well find itself in a position, in relation to civil servants for instance who are its employees, to buy an insurance plan to cover them. But let us take an example of children, who are free. Now the Government could then decide not to go and insure every child in the land if they determined it was cheaper to pay the Health Services directly for the services rendered to those free children under the Law.

The specifics of what can be claimed are identified in the Regulations made under section 15(1) of the Health Services Authority Law. Those Regulations, again, are subject to the affirmative resolution of this Parliament and cannot be changed without the support and knowledge of this Parliament.

**MADAM CHAIRMAN:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. I just have one other question. Why did you annex the Regulations to the Bill instead of bringing the Bill in the skeleton form?

**HON. D. EZZARD MILLER:** Madam Chairman, we had this same argument with that good lawyer on another Bill which I brought here, the National Pensions Bill, where we brought draft Regulations and he chastised me for bringing draft Regulations. He knows, as a lawyer, that I cannot draft Regulations under the Bill



until the Law is first made. This is not a skeleton Bill. I explained that to him in the debate. I want him to point out to me any principle in the Bill that I sent to him for five months, on which he made no comment to me, that is missing from this Bill to make it a skeleton Bill, or any controversial issue which has been removed.

**MADAM CHAIRMAN:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. What can be done is that Regulations can be Scheduled in the Law and given effect at the same time as the Law and then be made subject to variation or change by the Executive Council, as it has been done many times before.  
I have nothing more.

**MADAM CHAIRMAN:** I will now put the.... The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Chairman, I am supporting the Bill as I said in the Second Reading Debate, but there is one question which keeps coming up and that is that the Member talks about his asking for input into the Bill. This is just an observation. It is really no use because the Member has his path plotted so why waste time?

**MADAM CHAIRMAN:** I will now put the clauses of the Bill. The question is that clauses 1 through 5 do stand part of the Bill.

**CLAUSES 1 THROUGH 5 PASSED.**

**MADAM CHAIRMAN:** Clause 6. The question is that clause 6 do stand part of the Bill.

**CLAUSE 6 PASSED BY MAJORITY.**

**MADAM CHAIRMAN:** Clause 7. The question is that clause 7 do stand part of the Bill.

**CLAUSE 7 PASSED BY MAJORITY.**

**MADAM CHAIRMAN:** Clause 8. The question is that clause 8 do stand part of the Bill.

**CLAUSE 8 PASSED BY MAJORITY.**

**MADAM CHAIRMAN:** The question is that clauses 9 and 10 do stand part of the Bill.

**CLAUSES 9 AND 10 PASSED BY MAJORITY.**

**MADAM CHAIRMAN:** The question is that clauses 11, 12 and 13 do stand part of the Bill.

**CLAUSES 11 THROUGH 13 PASSED BY MAJORITY.**

**MADAM CHAIRMAN:** The question is that clauses 14 through 18 do stand part of the Bill.

**CLAUSES 14 THROUGH 18 PASSED.**

**MADAM CHAIRMAN:** The question is that clause 19 do part of the Bill.

**CLAUSE 19 PASSED.**

**MADAM CHAIRMAN:** The question is that clauses 20 through 22 do stand part of the Bill.

**CLAUSES 20 THROUGH 22 PASSED BY MAJORITY.**

**CLERK:** A Bill for a Law Relating to the Provision of Health Care Insurance.

**MADAM CHAIRMAN:** The question is that the Title do stand part of the Bill. I shall put the question.

**THE TITLE PASSED.**

#### THE GUARDIANSHIP AND CUSTODY OF CHILDREN (AMENDMENT) BILL, 1992

**MADAM CHAIRMAN:** The next Bill is the Guardianship and Custody of Children (Amendment) Bill, 1992.

CLERK: CLAUSE 1: Short title  
 CLAUSE 2: Section 2 amended

MADAM CHAIRMAN: The question is that clauses 1 and 2 do stand part of the Bill. I shall put the question.

CLAUSES 1 AND 2 PASSED.

CLERK: A Bill to Amend the Guardianship and Custody of Children Law (Revised).

MADAM CHAIRMAN: The question is that the Title do stand part of the Bill.

THE TITLE PASSED.

**THE LOAN (GEORGE TOWN HOSPITAL) (AMENDMENT) BILL, 1992**

MADAM CHAIRMAN: The next Bill is the Loan (George Town Hospital) (Amendment) Bill, 1990

CLERK: CLAUSE 1: Short title  
 CLAUSE 2: Schedule amended

MADAM CHAIRMAN: The question is that clauses 1 and 2 do stand part of the Bill. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Thank you. This is a question to the Member for Health. Is it not a fact that the clauses that you are omitting, 1 to 7 from the Schedule, were the only items for which money was approved in the motion originally?

HON. D. EZZARD MILLER: Madam Chairman, I do not have the evidence before me to confirm or deny that. He could be right.

MADAM CHAIRMAN: If there are no other comments I shall put the question that clauses 1 and 2 do stand part of the Bill.

CLAUSES 1 AND 2 PASSED BY MAJORITY.

MR. G. HAIG BODDEN: Madam Chairman, may we have a Division on this?

MADAM CHAIRMAN: Certainly, you may.

**DIVISION NO. 6/92**

**Ayes: 7**

Hon. Thomas C. Jefferson  
 Hon. Clive Borrowman  
 Hon. J. Lemuel Hurlston  
 Hon. W. Norman Bodden  
 Hon. Benson O. Ebanks  
 Hon. D. Ezzard Miller  
 Capt. Mabry S. Kirkconnell

**Noes: 4**

Mr. W. McKeever Bush  
 Mr. Truman M. Bodden  
 Mr. G. Haig Bodden  
 Mr. John B. McLean

**Absent: 4**

Hon. Linford A. Pierson  
 Mr. John D. Jefferson, Jr  
 Mr. Gilbert A. McLean  
 Mr. Roy Bodden

MADAM CHAIRMAN: The result of the Division, seven Ayes, four Noes.

CLERK: The Title. A Bill for a Law to Amend the Loan (George Town Hospital) Law, 1990.

MADAM CHAIRMAN: The question is that the Title do stand part of the Bill.

THE TITLE PASSED.

MADAM CHAIRMAN: That concludes proceedings in Committee on three Bills, the Health Care Insurance Bill, the Guardianship and Custody of Children (Amendment) Bill, and the Loan (George

Town Hospital) (Amendment) Bill, 1992.

The House will resume.

**HOUSE RESUMED AT 3:59 P.M.**

**MADAM SPEAKER:**  
minutes.

Proceedings are resumed. The House will be suspended for 15

**AT 3:59 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:16 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed. Reports. The Honourable Member for Health and Social Services.

## **REPORTS THEREON**

### **THE HEALTH CARE INSURANCE BILL, 1992**

**HON. D. EZZARD MILLER:**

Madam Speaker, I have to report that a Bill entitled a Bill for a Law Relating to the Provision of Health Care Insurance was considered by a Committee of the whole House and passed without amendment.

**MADAM SPEAKER:**

The Bill is set down for Third Reading.

### **THE GUARDIANSHIP AND CUSTODY OF CHILDREN (AMENDMENT) BILL, 1992**

**HON. D. EZZARD MILLER:**

Madam Speaker, I have to report that a Bill entitled a Bill to Amend the Guardianship and Custody of Children Law (Revised) 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 LOAN (GEORGE TOWN HOSPITAL) (AMENDMENT) BILL, 1992**

**HON. D. EZZARD MILLER:**

Madam Speaker, I have to report that a Bill entitled a Bill for a Law to Amend the Loan (George Town Hospital) Law, 1990 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 Readings.

## **THIRD READINGS**

### **THE HEALTH CARE INSURANCE BILL, 1992**

**CLERK:** The Health Care Insurance Bill, 1992.

**MADAM SPEAKER:**

The Honourable Member for Health and Social Services.

**HON. D. EZZARD MILLER:**

Madam Speaker, I beg to move that a Bill for a Law Relating to the Provision of Health Care Insurance be given a Third Reading and passed.

**MADAM SPEAKER:**

The question is that a Bill entitled the Health Care Insurance Bill be given a Third Reading and passed. I shall put the question.

**QUESTION PUT: AGREED.**

**THE HEALTH CARE INSURANCE BILL, 1992, GIVEN A THIRD READING AND PASSED.**

### **THE GUARDIANSHIP AND CUSTODY OF CHILDREN (AMENDMENT) BILL, 1992**

**CLERK:** The Guardianship and Custody of Children (Amendment) Bill, 1992.

**MADAM SPEAKER:**

The Honourable Member for Health and Social Services.

**HON. D. EZZARD MILLER:**

Madam Speaker, I beg to move that a Bill entitled a Bill to Amend the Guardianship and Custody of Children Law (Revised) be given a Third Reading and passed.

**MADAM SPEAKER:**

The question is that a Bill entitled the Guardianship and Custody

of Children (Amendment) Bill, 1992 be given a Third Reading and passed. I shall put the question.

**QUESTION PUT: AGREED. THE GUARDIANSHIP AND CUSTODY OF CHILDREN (AMENDMENT) BILL, 1992, GIVEN A THIRD READING AND PASSED.**

**THE LOAN (GEORGE TOWN HOSPITAL) (AMENDMENT) BILL, 1992**

**CLERK:** The Loan (George Town Hospital) (Amendment) Bill, 1992.

**MADAM SPEAKER:** The Honourable Member for Health and Social Services.

**HON. D. EZZARD MILLER:** Madam Speaker, I beg to move that a Bill for a Law to Amend the Loan (George Town Hospital) Law, 1990 be given a Third Reading and passed.

**MADAM SPEAKER:** The question is that a Bill entitled the Loan (George Town Hospital) (Amendment) Bill, 1992 be given a Third Reading and passed. I shall put the question.

**QUESTION PUT: AYES AND NOES**

**MR. G. HAIG BODDEN:** May I have a Division, Madam Speaker?

**MADAM SPEAKER:** You certainly may.

**DIVISION NO. 7/92**

**Ayes: 7**

Hon. Thomas C. Jefferson  
Hon. Clive Borrowman  
Hon. J. Lemuel Hurlston  
Hon. W. Norman Bodden  
Hon. Benson O. Ebanks  
Hon. D. Ezzard Miller  
Capt. Mabry S. Kirkconnell

**Noes: 4**

Mr. W. McKeever Bush  
Mr. Truman M. Bodden  
Mr. G. Haig Bodden  
Mr. John B. McLean

**Absent: 4**

Hon. Linford A. Pierson  
Mr. John D. Jefferson, Jr  
Mr. Gilbert A. McLean  
Mr. Roy Bodden

**AGREED BY MAJORITY: THE LOAN (GEORGE TOWN HOSPITAL) (AMENDMENT) BILL, 1992, GIVEN A THIRD READING AND PASSED.**

**MOTIONS**

**GOVERNMENT NO. 2/92**

**RE-APPOINTMENT OF SELECT COMMITTEES OF THE LEGISLATIVE ASSEMBLY**

**MADAM SPEAKER:** Motions. Government Motion No. 2/92. The Honourable the First Official Member.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to move Government Motion No. 2/92, entitled Re-appointment of Select Committees of the Legislative Assembly.

"WHEREAS the effect of prorogation is at once to terminate all the current business of Parliament;

AND WHEREAS various Select Committees of the Cayman Islands Legislative Assembly tabled Interim Reports prior to the prorogation of the 1991 Session, as a result of insufficient time to conclude their inquiries;

BE IT NOW THEREFORE RESOLVED THAT the following Select Committees be re-appointed for the 1992 Session of the Legislature:

- (i) Select Committee on Low Cost Housing;
- (ii) Select Committee (of the whole House) on Immigration Legislation;
- (iii) Select Committee (of the whole House) on the Elections Law;
- (iv) Select Committee (of Elected Members with Attorney General as Chairman) on Public Defenders' Office;

- (v) Select Committee (of the whole House) on Code of Ethics and Conduct for Legislators;
- (vi) Select Committee (of all Elected Members) on Watersports Industry;
- (vii) Select Committee (of the whole House) to Review Transportation Services;
- (viii) Select Committee on the Rights of Children, Young Persons and Women;
- (ix) Select Committee (of the whole House) on the National Pensions Bill, 1991;

AND BE IT FURTHER RESOLVED THAT any Minutes of Meetings, Interim Reports, Bills and any previous evidence or notes taken by the above Select Committees shall be referred to them."

**MADAM SPEAKER:**

Government Motion No. 2/92, has been duly moved and is open now open for debate. The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, I am pleased that this motion is moved by Government as it covers several different Committees which did not finish their business during the course of time since they were appointed. In particular, and especially for this year, the Elections Law is something which is very important to our process and I have been getting several complaints about the electoral process now going on.

I trust that this Committee will meet in the very near future so that we can tackle some of the matters in the Bill. I trust that Government is going to take steps to inform the people of this country regarding new procedures now in the electoral process that these do not mean that people who were on the old Voters' List will not be able to vote. There is a lot of confusion. I believe that Government might be taking steps to correct it but I want to emphasise the urgency of the Committee.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Honourable Third Official Member.

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, may I just take the opportunity to advise the House that the Government is, in relation to the elections matter, taking the necessary steps and will be issuing a statement on that matter very soon.

**MADAM SPEAKER:**

exercise his right of reply?

If there is no further debate. Would the Honourable Mover like to

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, basically to thank Members for their support.

**MADAM SPEAKER:**

be passed.

I shall now put the question that Government Motion No. 2/92,

**QUESTION PUT: AGREED.**

**GOVERNMENT MOTION NO. 2/92 PASSED.**

**MADAM SPEAKER:**

We have five minutes remaining before Moment of Interruption. Can we proceed to the next item? Private Member's Motion No. 3/92. The First Elected Member for West Bay continuing his reply in winding up the debate.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTIONS

#### PRIVATE MEMBER'S MOTION NO. 3/92

#### REDUCTION OF INFLATION AND COST OF LIVING

**MR. W. McKEEVA BUSH:**

Madam Speaker, I was hoping that I would not be called at this late hour nevertheless, on dealing with the resolution before the House yesterday evening, I was dealing with the inaccuracies and the craziness that the Member for Education introduced into the debate.

He dealt with every aspect or sector in the country and really was giving a good Government campaign speech. His speech was that of a Government Member who is in trouble and seeking re-election. He talked about Government's capital expenditure these last few years as against other administrations. If the Member would tell the truth about what took place in previous years he would say that in the majority of capital expenditures of previous Government which he was not a Member of Executive Council on, those capital expenditures was money earned, revenue earned by the Government, his Government, the Government of which he is a part is a Government that has borrowed for capital expenditure ordinary house-keeping expenditure.

**MADAM SPEAKER:**

Honourable Member, I would ask all Members, in debating to be very careful when they use the word "truth" because there can be many definitions. So be very careful when you use the word truth in applying it to any Member of the House

**MR. W. McKEEVA BUSH:**

Well, Madam Speaker, in this case I am saying that the Member

introduced a lot of untruth in the debate and I think I can prove that by his many inaccuracies in his debate.

**MADAM SPEAKER:**  
not mean untruths.

Excuse me, Honourable Member, but inaccuracies certainly do

**MR. W. McKEEVA BUSH:**

Well, Madam Speaker, at the school I went to it means the same thing. I am sorry. But I will bear in mind your wish, the wish of the Chair. What I am trying to say is that the Member for Education told the House that the country was in such a good position that they could do these works through capital expenditure. What he did not tell the House is that that was borrowed money. That is the point that I am trying to make.

I believe that bears out that the country suffers or is going through some sort of struggle when a Government has to borrow to do minor works. If you look at their loan Bills you will find this. The one we just debated the minor works for the Hospital, the Loan Bill, so I cannot understand where he can come about now and talk about his good financial management.

Another inaccuracy is when the Member says that the inflation rate has been decreasing over the long term. When we check back since 1982 there were a few years when the annual average inflation rate decreased but when we look since 1986 we find that it is not a decreasing rate as he would like the people to believe. I am not giving way. I do not know what the Point of Order is but I am not giving way.

**HON. BENSON O. EBANKS:**

Just to make the point I was specific and said that between December, 1990 and 1991 the rate of inflation decreased.

**MR. W. McKEEVA BUSH:**

Madam Speaker, the Member specifically said on the long term because that was what my motion dealt with, the long term. It is right here in the *Hansards*, and on Monday, God willing, I am going to prove to the House what the Member said.

#### **MOMENT OF INTERRUPTION STANDING ORDER 10(2)**

**MADAM SPEAKER:**  
adjournment of the House.

It is now 4:30 p.m., Honourable Member. May I ask for the

#### **ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

House until 10:00 a.m., Monday morning.

Madam Speaker, I move the adjournment of this Honourable

**MADAM SPEAKER:**

Monday morning. I shall put the question.

The question is that the House do now adjourn until 10:00 a.m.,

**QUESTION PUT: AGREED.**

**AT 4:33 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
MONDAY, 16TH MARCH, 1992.**

**MONDAY  
16TH MARCH, 1992  
10:15 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:**  
resumed.

Please be seated. Proceedings in the Legislative Assembly are resumed.

**APOLOGIES**

**MADAM SPEAKER:**

who was absent on Friday afternoon and who will be absent this morning.

Port Authority. The Honourable Elected Member for Communications, Works and Agriculture.

Presentation of Papers and Reports. Financial Statements of the

**PRESENTATION OF PAPERS AND OF REPORTS**

**FINANCIAL STATEMENTS OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS  
FOR THE YEAR ENDED 31ST DECEMBER, 1991**

**HON. LINFORD A. PIERSON:**

Thank you, Madam Speaker.

of this Honourable House the Financial Statements of the Port Authority of the Cayman Islands for the Year Ended 31st December, 1991.

In accordance with Standing Order 18, I beg to lay on the Table

**MADAM SPEAKER:**

So ordered.

Standing Order 72(5). The Honourable First Official Member.

Report of the Standing Finance Committee. Suspension of

**REPORT OF THE STANDING FINANCE COMMITTEE  
(Meetings held on the 6th and 12th March, 1992)**

**SUSPENSION OF STANDING ORDER 72(5)**

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 72(5) to allow the Report of Finance Committee to be Tabled without the Minutes.

the suspension of Standing Order 72(5) to allow the Report of Finance Committee to be Tabled without the

**MADAM SPEAKER:**

order that the Report of the Finance Committee be laid on the Table without the Minutes. I shall put the question.

The question is that Standing Order 72(5) be suspended in

**QUESTION PUT: AGREED:**

**STANDING ORDER 72(5) SUSPENDED.**

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee Meeting held on the 6th and 12th of March, 1992.

**MADAM SPEAKER:** So ordered.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, the meeting of the Committee on the 6th of March, approved a total supplementary of \$382,310, the details of which are as follows:

Head 01 - His Excellency the Governor, \$2,000 to purchase replacement furniture for the Office of the Governor.

Finance and Development - Head 04, \$100,000 for the Rest Home in Cayman Brac which is actually a re-vote of funds not drawn down in 1991; \$125,000 again, under Head 04 - Finance and Development being a re-vote of funds carried forward from 1991 to complete the construction of the new communications tower at Northward.

Legislative - Head 08, \$1,525 was approved to purchase a ceremonial robe for the Speaker of this Honourable House.

Head 27 - Education, \$16,985 approved to purchase a new heavy-volume photocopier for the Cayman Islands High School.

Head 30 - Social Services, \$75,000 provided for the maintenance of refugees which covers the cost of food, water, utilities and other ancillary costs such as maintenance of refugee homes, household equipment, etcetera.

Head 34 - Lands & Survey, \$3,000 for fuel and other supplies.

Public Works - Head 37, \$24,800 for the maintenance of staff houses. Of that \$24,800, \$2,800 is to re-carpet the master bedroom at Government House, \$14,000 to renovate quarter No. 5 at English Point and \$8,000 to repaint Government House - last painted five years ago.

Again under Staff Housing, in this case sub-Head 51-111, Government Staff Housing, \$30,000 provided to construct a seawall at English Point.

Again under Public Works, for Maintenance of Playing Fields, \$4,000 funds provided to maintain the open spaces located immediately north and south of Government House.

There were other matters considered at that meeting such as Capital Virements. There were virements between Capital Sub-Head 51-122 - School Buildings and 51-120 - Purchase of Lands. A sum of \$200,000 was vired from School Buildings to Purchase of Lands to enable the Campbell Building purchase.

A further reallocation of funds under Capital Vote 51-106 - Construction of Roads. The Committee agreed to reallocate that sum within the Capital Sub-Head 51-106. It involves the movement of \$20,375 from Project No. 504 - Thomas Russell Way Parking Lot, to Project No. 1101 - Roadway Lighting.

Under Other Matters: the Water Authority Royalties, Finance Committee agreed that the royalties due to the Government should be collected and transferred to the Water Authority in light of the fact that the Water Authority is really carrying out the regulatory function for that particular company.

One other matter: Cayman Airways, at a meeting held on the 26th of April, 1989, Finance Committee gave approval for a loan guarantee of \$5 million. This guarantee was never taken up and Finance Committee was asked to authorise that this loan guarantee be rescinded, which it did.

The next meeting considered a supplementary under Finance and Development of \$100,000, being funds to cover the cost of further computerisation both in term of software and hardware, for the Department of Social Services to facilitate general departmental activities, including the implementation of the recommendations of the Youth Services Review.

Under Social Services, Finance Committee approved \$50,000 on Fees - Consultancy to cover the cost of external consultant services to implement the computerised service in the Department of Social Services.

Other Matters: Finance Committee considered the release of a charge over a property in Savannah, Block 27D, Parcel 160 and it authorised the Agricultural and Industrial Development Board to deal with that particular collateral request.

Also the Caribbean Basin Radar Network Project. The Government of the Cayman Islands and the United States of America have agreed to erect a local radar station facility as part of the overall Caribbean Basin Radar Network Project which is being spearheaded by the Government of the United States. No specific provision was made in the 1992 Budget for this purpose except for the sum of \$9,500 which provided for the construction cost of the access road to the project site located on Grand Cayman. The main reason being that the Government of the United States had agreed to contribute up to



US\$100,000 towards off-setting any related cost that the Government of the Cayman Islands would incur. At that time it was estimated that this cost would have been approximately CI\$70,000.

However, the original arrangement which the marl fill for the access road and site preparation was negotiated is no longer valid. The end result is that the Government will now have to purchase fill from another source rather than being able to procure the fill as an off-set against "Dredging Royalties" due the Government by the planned original supplier of this fill.

In addition, there are other unanticipated costs such as Port Fees on the imported radar equipment which were borne directly by Central Government. As a result, it is therefore expected that the local costs of the project will now total around CI\$160,000, broken-down in the following manner: (a) \$104,223 for Site Preparation and Access Road Works; and (b) \$55,777 for Miscellaneous Costs, including Port Fees, Contingency, etcetera.

Finance Committee approved that Government establish an Advance Account up to a limit of CI\$160,000 (in the interim) to cover the local costs associated with the Caribbean Basin Radar Network Project in Grand Cayman, pending receipt of the contribution of US\$100,000 from the Government of the United States. This will put all costs associated with the Project under one heading. Finance Committee's authorisation will be further sought to clear the balance on this Advance Account.

Madam Speaker, that is the Report of Finance Committee.

**GOVERNMENT MINUTE ON THE 1991 REPORT OF  
THE PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT AND  
AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT  
FOR THE YEAR ENDED 31ST DECEMBER, 1990**

**MADAM SPEAKER:** Government Minute of the 1991 Report of the Public Accounts Committee on the Auditor General's Report and Audited Accounts.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to lay on the Table of this Honourable House the Government Minute on the Public Accounts Committee Report on the Auditor General's Report on the Accounts of the Cayman Islands Government for the Year Ended 31st December, 1990.

**MADAM SPEAKER:** So ordered.  
The next item is Statements by Member of Government. The Honourable the Third Official Member responsible for Internal and External Affairs.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, sub-item (4) on the Order Paper?

**MADAM SPEAKER:** I am afraid I do not have the correct Order Paper in front of me. May I have a copy, please, Madam Clerk? Thank you. I apologise for that.

**CAYMAN ISLANDS HEALTH SERVICES AUTHORITY FORECASTED STATEMENTS  
OF RECEIPTS AND EXPENDITURES FOR THE TEN YEARS ENDING 31ST  
DECEMBER, 1992 - 2001, WITH ACCOUNTANTS' EXAMINATION REPORT**

**MADAM SPEAKER:** Cayman Islands Health Services Authority. The Honourable Elected Member for Health and Social Services.

**HON. D. EZZARD MILLER:** Madam Speaker, I beg to lay on the Table of this Honourable House the Forecasted Statements of Receipts and Expenditures, Cayman Islands Health Services Authority, for the Ten Years Ending 31st December, 1992-2001, with the Accountants' Examination Report.

**MADAM SPEAKER:** So ordered.  
Statements by the Member of Government. The Third Official Member.

**STATEMENTS BY MEMBER OF GOVERNMENT**

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to make two statements on behalf of the Government. The first is on the subject of Electoral Boundaries.

**ELECTORAL BOUNDARIES**

On 14th February 1991, a Government Statement was made declaring the intention to correct a discrepancy made in 1983, in establishing coordinates for the Bodden Town/George Town electoral boundary. The Report of the Constitutional Commissioners (received since then) recommends the establishment of a Boundaries Commission as an appropriate means of dealing with such matters. This recommendation received the support of the Select Committee on the Constitutional Review. Government has therefore decided to defer any change to this boundary at this time. The matter will be considered and handled by the more appropriate means of a Boundaries Commission. The second....

**STANDING ORDER 30(2)  
SHORT QUESTIONS**

**MR. G. HAIG BODDEN:** Madam Speaker, may I be allowed to ask a question (which we are allowed to on statements)?

**MADAM SPEAKER:** Yes, you certainly may.

**MR. G. HAIG BODDEN:** Madam Speaker, I would like to ask the Member since the dividing line between Bodden Town and George Town is really not in question, why is this being done? To refresh the Member, his statement made last year admitted that the surveyors had made a mistake and used a map that was very faint, or something, and had merely put down the wrong mark. He promised that Government would put the boundary where it should be to correct the mistake they made. It is not a decision of whether any particular area should be Bodden Town or George Town.

Why has this come up now when it is simply to correct one of the grid marks of the boundary? Is it to protect the Members for George Town - the possible candidates?

**MADAM SPEAKER:** Honourable Member, you are entitled to ask a short question and you are going into a debate assuming different things. Would you reply, Third Official Member?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, when the Government Statement was made in February 1991, the Government admitted then, as it does continue to admit now, that a discrepancy had occurred. What the Government Statement in February 1991, did not say is when, and by what means, the discrepancy would be corrected. This statement is intended to say when and by what means.

**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 the Government was in doubt concerning the re-establishment of the boundary, may I ask why did they not tell the Honourable House that they were prepared to investigate and have the boundary technically re-established, rather than promising to have it righted, as they did?

**MADAM SPEAKER:** Honourable Third Official Member.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the Government gave an undertaking that it would look into the matter. It has fulfilled that undertaking: The matter has been looked into, the discrepancy has been identified and the reasons for the discrepancy have been made public. This statement is simply addressing what the Government intends to do about it.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say by what means this boundary was changed? Did it take a Boundaries Commission?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, that matter was addressed in the statement which was made in February 1991. It was a discrepancy in relation to the establishment of coordinates, which was a surveying discrepancy.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member give the House any idea of how long the boundary remained in its original position before the surveyors made the mistake?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the boundary would have remained in that position from the date when it was originally established until 1983 when the discrepancy was made.

**MADAM SPEAKER:** The Chair has reached the end of its discretion at this time. The next statement, Honourable Member.

**ROADS IN DISTRICT ADMINISTRATION**

**HON. J. LEMUEL HURLSTON:** The second statement is on the subject of Roads in District Administration. During the recent debate on the Throne Speech, the Second Elected Member for Cayman Brac and Little Cayman referred to certain road matters in Cayman Brac and Little Cayman, alleging that the District Commissioner may have improperly used his Office to secure either directly or indirectly, benefits for his relatives in connection with a number of road improvement matters.

These issues have been examined with resulting negative conclusions. I have requested the Second Elected Member for Cayman Brac and Little Cayman to be more specific in relation to the allegation in respect of roads at Little Cayman. Meanwhile, other allegations have been

investigated and I wish to state that the results of these investigations reveal no improper conduct on the part of the District Commissioner, nor is there evidence that this Senior Public Officer, or any other Officer, has used his Office in any way to benefit himself or members of his family.

Two roads at Little Cayman have been looked into. The first was the straightening of a dangerous turn along the southern coast of Little Cayman. This road and its realignment had been previously gazetted and, whilst a Government excavator was on the Island, the decision was taken quite properly, and with full consultation, to undertake this work whilst this equipment was available. The road was realigned and the dangerous turn removed. The old road, however, remains not de-gazetted and there are no plans to de-gazette the old section of this road. Consequently, no land owner has gained or lost, and all set-backs from the old section of the road remain as previously.

The second road at Little Cayman was the East End Link Road which was, after consultation and relevant approval, diverted to link-up with the east end of the North Coast Road instead of continuing westward on the top of the Bluff. This was because sufficient funds were not available to complete the road in its gazetted position. The proposal to widen a public road at Cedar Point, Cayman Brac, to the north of the centre line was made by the Acting District Commissioner in the absence of the District Commissioner.

This proposal was based on the fact that the alternative of widening this road to the south would have entailed the removal of a section of wall, narrowing the beach side of the property. The parcels of land in this vicinity are privately owned on both sides of the road. This proposal has been reviewed in consultation with the Chief Engineer of the Public Works Department, and is being dealt with in accordance with the Roads Law, etcetera. The road will be realigned to the south.

Mr. J. A. Ryan Snr. has been the caretaker for one of these properties on behalf of its owner for many years. Government is confident that there was no improper influence or irregularity involved in any of these alleged matters.

### STANDING ORDER 30(2) SHORT QUESTIONS

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. I would like to ask a few questions on this particular statement. Would the Member say if the layout and diversion of the road to the east of Kingston Bight, the area called Lower Rock Point, the layout of the East Link Road and the storage of fill on the parcel of land registered in the name of the wife of the District Commissioner, if these particular actions in respect of road works do not give any advantage to the District Commissioner in setting out these roads?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the Second Elected Member for Cayman Brac and Little Cayman has identified a specific section of road along the southern coast of Little Cayman which is perhaps the information that I was seeking from him when I asked him for more specific details. I have inquired into the two roads which have been addressed in the statement. I would have to ask him to give me an opportunity to inquire into this specific turn near to the Kingston Bight Lodge which the Member has just identified.

The second matter in relation to the East End Link Road was a matter which was inquired into in some considerable detail by the Finance Committee of this Honourable House recently and the matter of the placing of fill on a certain privately owned parcel of land was also the subject of a parliamentary question answered in this Meeting.

**MADAM SPEAKER:** We will continue with Other Business...

**MR. GILBERT A. McLEAN:** Madam Speaker...

**MADAM SPEAKER:** Honourable Member, I will not allow any more questions on this issue, please.

### OTHER BUSINESS

#### PRIVATE MEMBERS' MOTIONS

##### PRIVATE MEMBER'S MOTION NO. 3/92

#### REDUCTION OF INFLATION AND COST OF LIVING

**MADAM SPEAKER:** Private Member's Motion No. 3/92, Reduction of Inflation and Cost of Living. The First Elected Member for West Bay continuing his reply thereto.

**MR. W. McKEEVA BUSH:** Madam Speaker, on Friday last when I was speaking, I was interrupted by the Member for Education because I exposed his misleading, inaccurate statements about the inflation rate in this country going down. The Member for Education denied that he had said this, and I insisted at the time that he did say that the rate of inflation in this country was going down. On checking the *Hansards*, I will read the words contained in his speech four times: "Statistics show that inflation is going down. It is moving in the right direction.". That is one. "So the inflation rate continues to decline.". That was two. The third time he said: "The

claim by the First Elected Member for West Bay, and the mover of this motion, that both short and long term figures indicate a trend towards a higher rate of inflation, are just simply not there." And the fourth time he said: "I hope that I have been able to show and to prove that inflation is on the decrease not on the increase." (*Hansard* 12 March 1992)

Madam Speaker, when you look at the statistics we can easily see that the annual rate of inflation has been on a constant rise since 1986 (when it was 2.8 per cent), to a whopping 8 per cent in 1991. This is the statistic we should worry about. This is the annual average rate of increase. How can a big man come to this Honourable House and make such misleading statements unless they were intentional? He should know better because he has been here longer than anybody else. But in his frenzy to try to discredit me, and to discredit the resolution before the House, he will go to any length in this election year.

He also made the ridiculous claim that the cost of groceries has gone down. It is a pity that the Member has left the Chamber again. I wonder where this man lives, and if he is living in the never-never land of make believe? In his election bid he would like the people to believe that the cost of groceries in these Islands has decreased. In my opening of the debate, I gave some examples of how much some grocery items have increased in 1990 over 1989, and 1991 over 1990. These figures came from the Statistics Office and were taken in December 1991. In checking some of the same grocery items over the week-end, I found that several of those same items have in fact increased over December. Black Flag Insecticide, 15 ounces, which was \$3.30 is now \$3.89; Campbell's Vegetable Soup has increased by 84 cents; Corn Flakes, 24 ounces, which was \$2.73, is up to \$2.79; imported tomatoes, one pound was \$1.03, and is now \$2.48 as of the week-end. So the Member for Education is completely wrong and things that might have gone down, I understand from grocers, are those things which are not selling well and went on special. Some ladies in the supermarket on Saturday told me to ask the Member for Education where he is shopping? They listened to him on the radio and they want to find out where he is shopping that he can say that the price of groceries is down because they would love to shop there too!

The Member for Education, in one of the most two-faced parts of his speech, when dealing with our thoughts on the diversification of the economy, went on at great lengths about the expatriate labour force in the country. I use the word "two-faced" because the words "hypocrisy and hypocrite" are unparliamentary.

The Member would like the House and those listening to the radio to believe that he has this great concern about expatriate labour in the country. Actions really speak louder than words and he has only picked up on that issue now as an election year whipping horse to try to win himself some votes. If the Member for Education was really concerned, really genuine, he would have done something about this problem he has all of sudden found. He is a Member of the Executive Council of this country and has a responsibility to make directives to the Caymanian Protection Board, and does make the directives and gives them to that Board. If the Member for Education was genuine and felt that the more than 50 per cent (as he claims it is) of expatriate labour in the labour force was damaging and the country was heading for trouble, why did he allow it?

Surely, he must have known that the number of work permits granted in 1991 was more than 2,000 over 1990. In other words, an increase last year by over 27 per cent. Does he expect to have his cake and eat it too? He let them come in all this time to satisfy his cohorts - for instance, in the construction industry, the companies which are getting all Government contracts. But he comes now, where he needs to get the Caymanian vote, and he blasts the expatriate labour force? What kind of hypocritical Government is this? Further, how does he reconcile his statement with the statement of his fellow Member of Executive Council, the Member for Communication and Works, the same Member who is trying to put a new Government together, who said, and I quote: "National pride is admirable and desirable but should not be allowed to impede Cayman's economic growth." He made these remarks while commenting on the need for continued economic growth in the country against the fact that Caymanians may soon become outnumbered by foreign workers.

Some people have suggested not issuing or renewing work permits to foreign nationals as a means to avoid this situation. Although the subject of immigration (work permits) is of major concern, Mr. Pierson said much of the tremendous growth of the past 20 years has been maintained, to a large degree, by non-Caymanian professional and technical personnel. He pointed out he was not referring to domestic and construction labour. "Strict immigration is important", he said, "but should not be used as a tool to control economic growth of these Islands. We should not say no more hotels and condos without proper economic study first."

The statement and the diatribe of the Member for Education last week, and these statements coming from the Member for Communication and Works are conflicting and speak of a Government which is not being straightforward. Again, this is indicative of why the country is facing these problems - which my motion is seeking to address. One Member of Executive Council does one thing and the other Member does the next. We talk about divergent paths of expenditure and revenue, what we have in that Executive Council is a divergent path of policies which are conflicting with one another. Maybe their speeches were said to appease some foreign element at that meeting but it did not work because they have said no more campaign funds for that group.

In dealing with these incentives which we are talking about, the Member for Education (who is out of the Chamber) should really run and hide his face when talking about who we are developing for. That is a fancy phrase now: "Who are we developing for?" and "What incentives we will give?" If we take the SafeHaven example, which the Member for Education allowed; who got the jobs there? How many Caymanians were employed there, and are now employed there? When it comes to the impact of that development on our roads now and in time to come, its impact on our schools, hospital services, or any other Government services, who allowed this? When it comes to incentives, the most ridiculous giveaways, the

sweetheart deal, was the giving away of our land to SafeHaven for 60 years for \$2 million; \$1 million down and \$1 million over 10 years.

If the Member for Education wants to blow something out of proportion, let him not take the cost of living and the prices in this country and say they are going down. If he wants to blow something out of proportion, let him explain his action on that project. What about the amount of money spent on the Jennett-L Road of over \$1 million? How many Caymanians have benefited from that? Here we have large conglomerates with skyline buildings going into a dead-end street and the Government giving them Planning permission. They go ahead and build, then Government comes to the House and says, "We are going to get some money for them to put in the roads", yet they received about \$40,000 from one good company. They went ahead and built this magnificent drive. Beautiful. What would you call that? Is that an incentive? In fact, they had to bulldoze the property of a Caymanian living in that area for years to get the road through. What is that? Is that not an incentive of some kind or another? The Government is very two-faced and not straightforward.

The Member for Education cannot fool the people again. As one old man told another one in West Bay: "You may do it when you want, and you may do it how you want, but you will not do it as long as you want." They cannot fool the public. The public quite understands their mentality.

When it comes to expatriate labour and opportunities for Caymanians, I am not a hypocrite. I have always said I support an immigration policy which would preserve, strengthen and expand the economic health of these Islands, by policies where long range growth for economic sectors is determined, and a system where labour budgets to fit growth needs are devised, and available Caymanian labour and the amount of foreign workers required is established to ensure quality growth to operate, strengthen and expand the international business sector which we are so heavily dependant upon, while ensuring that Caymanians are not shunted in their career opportunities.

The Member for Education asks where I stand. That is where I stand. I am not a hypocrite, and I will not talk out of both corners of my mouth as he has been doing where he does one thing and says yet another to get votes. His kind of double-talk is fooling no one. Any Government made up of the six Backbenchers will not double-talk the country. We intend to progress without putting a severe strain on the people and the businesses of our Islands by giving protection to one and all, kindness to one and all, prosperity to one and all, not just a clique, a cartel and some family members. That is the kind of Government which I will be a part of.

The Member for Education derided the aspect of the motion which calls for a sensible approach to consultation on economic matters because he claims the various sectors of the economy are doing so well. You do not need an Economic Council, you do not need seminars dealing with things or consultation with the private sector because the economy (he says) is doing fine. The facts do not substantiate his argument. Statistics from the Planning Department tell us that the overall value of planning permits dropped by 38.5 per cent over 1990. When you consider that applications to build residences dropped by 17.5 per cent last year, this says that Caymanians and residents in these Islands have done poorly - so poorly that houses were not being built. The building of houses is a good indicator that the economy is doing well. When this part of the economic indicator is down it means that Caymanians are not borrowing to build homes, it means they do not have the money, or it means they do not have the confidence in the economy or the Government to go out and build these houses.

Last year the application for the construction of apartments and condominiums dropped by 82.1 per cent. This is the heaviest area of investor spending - outside or foreign capital. This says that outside capital investment was down. Investors were not trusting the economy. This serious slide in the development of the construction industry, or non-applications, is not because they cannot find a construction company to do the work because we were told in the Committee on Immigration that we have well over 100 construction companies in this country and that only a very small portion of the companies are Caymanian-owned. So the Government has mismanaged there too, allowing everybody who has a truck and a cement mixer to get a few work permits (which they have allowed), to run a construction company, to the detriment of young Caymanian men who went away and were trained to be contractors.

Another important indicator of how the economy is doing is company registration. The Member for Education said that there was no decline in the financial industry. How could this Honourable Member make those kinds of erroneous statements? When you look at the registration of companies for 1991, we see that we actually had an 18.4 per cent *decrease* in company registration. Here again is another main economic indicator which is down - which means that indeed, there is a loss of confidence. The Member for Education talked about the good, sound position of the financial industry. The facts tell us that he does not know what he is talking about. If you look at the banks, we might correctly say that the economy was not doing badly, but neither can it be said that the financial industry is doing well because it did not expand. When other indicators are doing poorly - construction, tourism and what have you - if the financial industry is not expanding, then this country is not going anywhere overall because the banks must be the wheels which turn everything.

It does not make sense to me to brag about an expanding economy when at the same time there is increasing distress in large sectors of our people and large sectors of the economy. If we have an expanding economy and at the same time an increasing distress for large sectors of the community, it can only mean that too few people are getting too much of the benefits, and too many people are not getting enough.

The Member for Education commented on my proposal to get more business from Europe and the Pacific Rim. The active word that I used was "more". It is true that we have companies now from Europe, and I did not say that we did not, but we need to attract more European banks, other financial institutions, trusts, insurance companies and so on. What I was dealing with is the high net-worth individual who is most affected by the different European tax laws. It is a fact that the European Economic

Community, through its tax structure, will drive away its high income professionals and high net-worth individuals. For example, a highly specialised German doctor will have to pay 60 to 70 per cent of his income in taxes. These Islands, with the proper atmosphere conducive to investors, I am saying must attract these kinds of investors with their investments.

If we take Switzerland, which will be affected one way or the other by the Common Market, one can say that there is a professional view to the effect that the Swiss financial and banking marketplace will lose its attraction. A wealthy Swiss professional who is well placed would rather come to a tax haven, such as we operate, than have his capital and income diluted by their tax laws.

It is for these Islands to bridge the gap which is being caused by the European Common Market. This is what I was dealing with. We must actively go after that kind of business and effectively inform those targets about our advantages to be able to portray that we are not just another Island in the Caribbean with a shaky future. We must launch an in-depth campaign to convince them that we are the real alternative. I contend that if there is any new growing market into which we can develop, it can be sought in Europe. I am not particularly talking about the tourist, but much more about high finance and personal investment which I think is the future of this country. The problem is that the Member for Education is bankrupt of ideas and will not accept that people like myself have something to offer. Instead, he will throw it out and take it up two years after and give it another name. That has been his long suit since 1965.

Another side-tracking matter in the debate by the Member for Education was his line about consolidation: "The country needs consolidation, a time to consolidate." That is what he said. Is that what he really wants, or does that statement just fit in with his whole team of opposition against the Motion? How can you have a period of consolidation in the country when the Executive Council is doing everything under the sun to get this large Hospital? The Member for Communication and Works is into his large road projects. The Member for Education, himself, is into his period of construction. The Member for Tourism is planning a 10-year plan, I do not know what that is going to call for, maybe more construction, who knows? How can you have a period of consolidation when each one of the four Elected Members has some large scheme worked up somewhere?

Has the Member for Education not been spending a lot of time on a golf course recently? How much related development will that need to make it work? I ask him. Or has he not figured that out yet? I say the Member for Education, in this election year, will say *anything* and be *anything* to all people to get votes. One of the most disturbing things in his speech was that he said that if we think we are doing poorly, check the economies around us. Who wants to be compared to the economics of the other West Indian islands which are in shambles? I certainly would not. When you check some of our brothers' countries' economies in the Caribbean, they are having all kinds of trouble - strikes, slowing down and so on - all because they borrowed and borrowed, and the Prime Ministers are now saying that after all the years of borrowing the country must now pay.

The International Monetary Fund (IMF) and the World Bank have given them targets to live by; they call the shots when it comes to the budgets of those countries. Is this what the Member for Education is aiming at? This country has made it good all these years because we did not follow the way of the other islands. I say we do not want to compare to them in their economic condition, that is why the Backbenchers have been preaching economic prudence. No one should be satisfied with telling the rest of the world that we are doing better than they are because this might not be saying very much. I am saying we must be determined that we will not rest content to compare smugly our inflation rates with that of other countries - not while our people are hurting and seeing their incomes eroded. The fact is, Cayman is a growing country and continues to need substantial long-term in-flow of capital.

He went on quite a bit about the Hospital. This was another matter about which the Member for Education trotted out his usual propaganda. While I know that the Hospital took quite a bit of debate in their other Bill, he said quite a bit on this Motion too, which needs some answering, although I am not going to take long on it. He said that a Hospital is needed for the tourists. Well, they must find some excuse (and they are good at that) to talk about the filling of swampland and comparing Government with the private sector, and to try to say that because the private sector or private individuals (because he lambasted quite a few private individuals in here) filled the swamp so, therefore, Government can do it too - that just shows how little that Member understands about that sort of development.

The swamp filled by private investors is done to sell expensive lots, and it is done as a lucrative business and hundreds of thousands of dollars are derived from that sale. But in this instance, Government is not doing this at all. Government is doing it themselves at a high cost to the people of these Islands. He would like us to believe that the swamp is only two feet deep. That was another falsehood in this House. The Member will do anything and ridicule anyone just so he gets his point, not that the point is correct. The bottom line in this kind of land reclamation is that it is expensive, and that is not the only reason why the Hospital should not be put there. This is a swamp. I am sure they understand that fumes are emitted from swamps and the water is always bad. The Member is responsible for the environment, does he understand this? That is enough about the Hospital. I think that had quite a bit of debate on the other Bill.

The Member for Education went on to talk about the \$10 million in taxes in 1990 which represented \$60 million in the economy. Whether this economic theory is correct or not, is one thing. The fact is, if it is so the people of these Islands did not feel the effect as positive as the Member for Education would like us to believe. Certainly the pay raise awarded to civil servants then was not so beneficial to them because Executive Council also increased the taxes on Caribbean Utilities and light bills went up. So, of what benefit was a raise of \$60 per month if the light bill went up by \$40 to \$50 per month? Not to mention the other cost of living increases, groceries and so on. So what is the Member talking about civil servants' benefits? But he can stop there, because if it is votes he is looking for from the Civil Service, he is not going to get them. There has been

too much victimisation of the Civil Service, from the firing of doctors to the harassment of other lower civil servants.

Madam Speaker, for the past three years there has been a definite question of confidence in the Government and the conduct of the Government which has led us into present difficulties, and a question of confidence in the capacity of this Government to resolve them. This question of confidence has been expressed more and more insistently in certain sections of the media and it has been questioned by the growing uneasiness of investors, some of whom have pulled up lock, stock and barrel, and have moved on to our competitors. It has been expressed by the growing concern and worry of ordinary Caymanians going about their daily task of trying to make a living to provide for their families and to meet this rising cost from their income. This is most prevalent among those in the casual labour sector, especially in the tourism sector, and the construction industry.

Nothing could be more important than that this Legislature should call for an examination of the conduct of the Government in the economic field and bring to light the failure of Government and Government policies to foster growth and prosperity which could be shared among all Caymanians. Sure, from time to time there are disruptions, regional and world-wide, which knock us. What we need to be able to do (and this is where an Economic Council would help most) is to be able to predict the heaves and shifts of the world economy.

In framing policies to deal with our problems, in steadying economic goals and in deciding how we are to try to achieve them, it is essential for the Government to have the understanding, the cooperation and the support of the people generally. It is essential for the Government to have the cooperation, understanding and support of the different organisations and mechanisms through which groups of people protect their interests and attempt to influence the economy and obtain their own fair share. I am not suggesting in this Motion for one moment that the Government must always have a consensus on details or even on major parts of some of its policies when it believes those policies to be required by the economy. Certainly, Government must sometimes do unpalatable and unpopular things in the short run - at least so that the long-term welfare of our people may be advanced.

As to general objectives of growth, Government policy and social policies, there must be cooperation with the public. Most of all the objectives and means by which we obtain them must be clearly and fully understood throughout the country by industry, by consumers and by investors, most importantly. Madam Speaker, for instance the Member for Health is most vociferous about his style of consultation. But his style is to write you and ask for input, while his mind is already made up as to what or how he intends to do something. I am saying that this is no way to govern. Just because you are in a position to have the last say on policy, does not mean that your ideas are the ideas that will make a project viable and lasting.

**MADAM SPEAKER:** Honourable Member, would this be a time to take the suspension? The House will be suspended for 15 minutes.

**AT 11:30 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 12:03 P.M.**

**MADAM SPEAKER:** Please be seated. Debate continues, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, it is obvious from the troubles of the Government with the Chamber of Commerce, with lawyers and other private citizens, that these seminars are needed. The Economic Council is needed. The Government has fought with everybody. The Chamber of Commerce, lawyers, and other organisations, merchants - everybody that opposed Government or tried to tell Government something about the route that they should have taken on their policies were lambasted. Those who could be fired, they threw out, such as Dr. Kools.

It is obvious that in a democracy support and cooperation may be attained, not by coercion and brute force, but only by persuasion and by the persuasive force of example, leadership and genuine consultation. It follows that in a democracy, in a free economy, Government and Government policy must be believable. This is the basis of confidence and this is the basis of the ability to lead. As I said, because of the many squabbles and outright pettiness, and down to the knuckle fights, it is regrettable that the fact today is that most of the policies of Government are not believed. They have not done, for instance, what they so spitefully and boastfully said they would do with Cayman Airways, and have left that in a shambles. No one today believes that they can build and do all that they say they can do, for instance, with the Hospital in the swamp.

It is my opinion that the economy will respond to the steadying influence of consistent Government policy and reasonable planning if these are brought to bear at the right time; so that in our natural capacity to grow and be able to sustain our growth, surely, we perhaps would be one of the most fortunate in the region. But good fortune requires good management and Government policies and taxation can impede the performance of the economy as has been done.

Inflation and rising costs in the short term are a menace. It strains the economy by increasing the gap between what people are accustomed to and what they are able to buy under these circumstances. In the longer term, policies which create inflation can strangle the Caymanian economy because as prices rise we become one of the most expensive destinations, and our capacity to compete in world markets will decline. Surely, the absence of diversification (as the motion and I spoke about) and of new capital investment and spiralling cost in services has undermined (and is undermining) our ability to compete in the world market and our ability to move ahead at a satisfactory rate.

Madam Speaker, the tourism industry, also took a dive last year. The Member for Tourism said that January, February and March were up in terms of people, but he knows as well as I know, that if you do not get a good period in these months then you are doomed because these are the traditional months when tourism is up. The winter in the United States is biting and the people run down here. If we continue to tax liquor, if we continue to have the kinds of increases in hotel rates, for instance, we are going to further damage our tourism sector.

My friend, the Member for Communication and Works, seems to be a little upset because he was not here to speak on the Motion. Well, by the rate of things, if all of the Members on Executive Council had spoken, he would have had a chance to speak. I do not know what he would get up and crow about because one of his policies has increased fees. We must remember that there was an increase in Port Fees. Before, it cost \$35 to truck from the Port to the supermarket. Now Government had to build a new depot in the industrial area and the cost is going to be between \$28 and \$40 to truck to the new compound, plus the cost to businesses to truck from the new compound to supermarkets and what have you. On top of that Government had to invest in some large new trucks costing over \$276,000. I say that these are the kinds of things which have added to the cost and inflation in this country.

What that has done is to take business away from local trucking businesses - businesses which were already well established. This Government has done nothing but hurt our people. You know how many small businesses are in trouble, how many have shut down and how many larger ones are scaling down? Yet you have the Member for Education saying that the economy is in good shape.

The two Members for Cayman Brac have not spoken on this resolution and I am going to see whether the resolution will get their affirmative votes, but I doubt it. I do not think they are going to vote for it. In talking to the First Elected Member for Cayman Brac, he is telling me that everything is fine in Cayman Brac. How is it fine when the prices of things shipped from Cayman, have a cost added to them? It has to mean, to me, that the people in the Brac are paying that much more.

Not only that. What has Government really done to diversify the economy in Cayman Brac? Look at the irony of it. The First Elected Member for Cayman Brac (and I do not know whether the Second Elected Member will follow in his footsteps) has had to keep the Government alive by his vote and they in turn fuel every little project that he can find up there to keep him on their side. They keep putting more and more money into different sectors but have done nothing to diversify and open up the Brac to some sort of development or foreign capital investment. Is this how the Government plans to carry on the development of this country when Cayman Brac has so much potential?

I was told that we are not offering any alternatives to the Government. I thought that is what the whole Motion dealt with in the introduction. I am going to go further because while I heard the Member for Tourism talking about what needs to be done in terms of bringing tourists here, in the development of sites for the tourists, more things for them to do, that is true: What have they done in my constituency that has Hell, Madam Speaker, and the Turtle Farm? That is the one the Member for Education is responsible for, yet he gets up and lambastes the Motion, and myself, about not doing anything and going to create evils. He should have taken his time to say what he is going to do with the Turtle Farm to make that be a much more viable project, but the only thing you can say is happening to the Turtle Farm is that some of the cruise ship people go there. It has good traffic but every time you turn around somebody is robbing it or somebody is stealing the turtles. You do not know what is happening to it. Is that good management? I say no: Very poor management.

At one point you had nearly \$185,000 taken from the Cayman Turtle Farm, they just had another robbery. They have had several robberies and nothing was done, as I understand it, because I was on the Board to even check what amount of stock they had left. Thousands of dollars, and when I complained about it the Member for Education changed the Law and took me off the Board. That is one. When they want to do something, I want to give notice under the Standing Orders that I am going to bring a Motion for Government to develop what is known and, where Government already has property in West Bay, to develop a small jetty to put a replica of the old Presbyterian Church and the old school house back on that property at the next meeting of the House. That is something that they want to do, they should do.

We heard them talking about roads, that he would take money and put on roads for our people. Why did the Member for Education not support the motions I moved at Budget time for roadwork in West Bay? I am giving another notice that I am going to move another motion to get those roads fixed next month because there are people who need the roads, but the Member for Education does nothing about it - he would not support the motion and comes now with his political propoganda trying to get a few votes. No marriage of convenience in this world is going to save him.

There has been no coherent policy governing the programmes of Government and that is why they are in the mess today. That is why we have a \$17 million deficit and nothing to show for it because the only test at any given time for the four Members of Executive Council has been whether the Government can raise revenue by taxing our people to get its policies under way. In a healthy economy expenditures must be related to economic circumstances. The question we ask ourselves is: How can we get the country out of the present mess, and how can we keep it straight for the future? In a sermon not too long ago, the Minister said, "You know what is a root of all evil?" And you know what the Biblical expression for that is, but instead of the Biblical expression, someone sung out, "The Member for Education." They have no plan, and the country is suffering now in the short-term and if the Government continues, the long-term out-look is dismal on the present attitudes.

We have made many practical suggestions for fiscal expansion to take place and long-term growth to follow, but it means sound management. It does not mean stop-gap measures which have uneven and untimely impacts. In other words, policies designed largely by way of reaction to emerging short-term instabilities can well contribute to an unfortunate stop and go pattern of development as we



have had. 'Policies of reaction' - there is no better phrase to describe the present economic management of the Government. They have lost the initiative as a result of their own failure of discipline, and now are left with deep problems - loss of investor confidence, loss of confidence by the Caymanian people, and no policy but reaction to the problems that confront the country in every sector.

We had an \$18 million deficit in 1991, estimated \$13 million for 1992, and we know this is an election year and that is bound to rise. Their lack of discipline went over the deep end as they spent \$600,000 on a building to take out teeth. Five million dollars for consultancies, Madam Speaker, how can anyone say that they do not need advice (and good sound advice) by people that know without spending \$5 million on these people from Timbuktu? So, when considering the economic condition of the country, the blame lies squarely on the Elected Government which has been irresponsible and incompetent in managing the affairs of this country. There is unemployment, not because of world conditions, but because of bad management and bad prices. There are, and have been, high prices; not because of the import factor alone, but because of bad management and bad policies.

We have been able to prosper in the past. In the past, Governments have funded their capital expenditure by recurrent revenue. Revenue, not borrowings, Madam Speaker, as this Government is doing. We were able to prosper because we had sound financial sense, regardless of world conditions. We have prospered because of our status, first of all as a tax haven, a banking centre, and a tourist resort, because the world depressed markets and monetary conditions made the people with money come to our Islands to take advantage of those conditions. But today, if our state of affairs or our policies were as they should be, a lot of investment would find its way to this country.

In the world today there is still investment money, people with money, but that money goes where it can find the best home, where it is loved, where it can obtain the best returns and if these Islands do not happen to fit that bill then that money will not come to the Cayman Islands. Madam Speaker, can you imagine what is going to happen to this country if the three Members, the Member for Education, the Member for Communication and Works and the Member for Health, gain control after the General Elections? Do you realise what their plans are going to be? Their idea to take us out of the financial mess is contained in one of the meetings of the GRIPS Committee, of which I was a member. I understand that that committee has been disbanded, but in that committee where they were talking about areas in which additional funds could be generated. Listen to where the funds were coming from - I am reading from the Minutes of the Grand Cayman Improvement Plan, 3rd of June 1991 Conference Room 2:30 p.m. Government Administration Building. "Financial Community - over \$350 billion flows through Cayman's financial institutions per year and yet only approximately \$5 million is collected in fees per year."

If the Member for Communication and Works, the Member for Education and the Member for Health gain control, with control of the majority in Executive Council, the country's financial institutions are going to be taxed to the very limits. I am saying that this is irresponsible and poor management. They are going to the limits.

Another suggestion was to let the people pay for the education system, let the Caymanians pay for going to school, they said - contained in these Minutes. That is why they will take me off the Boards, and I guess they will also take me off of the last Board that I am on. But I represent the people of this country and when I see these harum-scarum policies I am duty bound to expose them. We have made it in the past, and that is one of the reasons that I say that an economic council be put together, whether it is with the Government's Economic Unit or whoever in Government, but put together with the people in the financial industry that have contacts world-wide, I am saying that it is a good way for us to go and Government should support this resolution today.

I say we have made it in the past without direct taxation, without stooping to that kind of thing, and we can continue to make it. But, it will take good management, good sense, good sound practical policies and a sensible philosophy. I say this Government is seriously deficient in those regards.

The bunch of them over there, while they should be sitting in sack cloth and ashes, are putting on the cap, gown and bell of the court jester. I believe that I have dealt good enough with the Honourable Member for Education except for one statement for which I will refer to at the end of my debate. But I want to turn now for a few minutes on the Caribbean Utilities issue.

My motion says:

"AND WHEREAS the increases on electrical rates and other commodities are putting a severe strain on consumers;

BE IT THEREFORE RESOLVED THAT Government set up a Task Force which would:

- (a) investigate the procedure used at Caribbean Utilities Company to examine the electricity consumption patterns; and
- (b) the related rate structure, with a view to reducing cost to the consumer;."

Madam Speaker, back in 1989, I brought a resolution to this Honourable House asking the Government to set up a Public Utilities Commission to safe-guard the public's rights. At that time, the Member for Communication and Works answered on Government's behalf (and the Member for Communications had a very good speech that day, a very promising speech) and I want to read a few extracts from the *Hansard* of the 12th September, 1989, page 774. This is what the Member for Communication and Works

had to say.

"While Government may not see the need at this time to establish a Public Utilities Commission, in view of the conditions now contained in the licence it is the view that a non-statutory advisory committee may be useful in reviewing requests for rate increases adjustment of fuel factors, etcetera. Such an advisory committee which could be comprised of technically qualified individuals from Government and the private sector, could be of invaluable assistance to Government in assessing requests for rate increases etcetera, and advising Government accordingly.

It could operate along similar lines as was mentioned by the Mover of the Motion [for a Public Utilities Commission]. Such an advisory commission could, among other powers, enquire into the nature and extent of utility services and determine in accordance with the provisions of the licence the standards which must be maintained in relation to such services. It could also determine in accordance with the provisions of the licence, the rates which may be charged with respect of utility services."

Madam Speaker, he continued referring to an article which was written in the local paper the *Caymanian Compass*, he said:

"The article said or alluded to the almost impossible situation for a company the size of CUC to maintain the level of return of capital employed as is contained in the licence. I will be discussing this more fully with the management of CUC because if it is their feeling this is an almost impossible situation in the market today under our type of economy then perhaps we may need to address this matter again."

When I moved the resolution, CUC answered as they did this time, but here is the Member for Communication and Works taking issue with them. He went on:

"I feel that a first and good move is the appointment of a Public Utilities Advisory Committee for the purposes stated earlier because of our intentions to establish a nonstatutory Public Utilities Advisory Committee, I do not see where it is necessary at this time for Government to agree to the establishment of a statutory body called a Public Utilities Commission."

Madam Speaker, if the Member for Communication and Works believes this (and I have no doubt in my mind because I know the Member for Communications and Works that he really was genuine at that time that he intended to do it) why has this body not been put together as they had suggested?

The companies in this country are suffering many disadvantages - these are large companies - because of the way the Caribbean Utilities operate. More important to me is the little person, "the little man", as referred to by the Member for Communication and Works - his little toaster, his little blender and all these little appliances which are burnt up by power surges, and he cannot get any redress.

I am saying that the Member for Communication and Works should vote with us today. He should have at least made his feelings known on this resolution before us. But the truth is (in spite of the Government saying now that they cannot agree with this Motion), the day I introduced the Motion they sent the Leader of Government Business to me with two amendments to the Motion because I understood from the impression given to me by the Member for Communication and Works that he had agreed with the Motion. He, at least, if he did not totally agree, agreed with the part about Caribbean Utilities.

He said to me many times that he wished that he had thought up the Public Utilities Commission but they sent the Leader of Government Business to me with the resolution to seek two amendments which they would have then passed the resolution. Those amendments had nothing to do with the make-up of the Motion. These were the words, and I have the copy here in my hand. What they wanted me to do was to say this, these words are already in the Motion: "BE IT THEREFORE RESOLVED THAT Government", and they wanted it inserted there instead of saying "set up a task force", they would say "consider setting up a task force". The next Resolve would be that: "AND BE IT FURTHER RESOLVED THAT Government consider" (and I have done that with so many Motions in this House and got nothing done with it - motion after motion they have passed just so that they would not take the political heat). If the Government, the four Members on Council, would go that far not to change the Motion but just put in those words, "consider setting up", I say then that they must agree with the resolution. But the resolution, since they wanted to take another political line on it, they refuse it now. Shame on the group of them. Shame on them, Madam Speaker.

What I am saying is that there are a lot of problems with Caribbean Utilities that need answering. I am saying that the least that they could have done since 1989 was to set up a technical administrative audit, rather than a financial audit, and this would have given some indication of how effective and economical the company really is. Right now they put in any equipment or facility at the expense of the people of this country. I am asking the Government who (as a technical administrative person) is checking to see it is done in the most cost effective manner or even that it is needed? This is my gripe with Caribbean Utilities. We are paying too much money. Yes the company has to make a profit, yes we get a good service, but I am saying that when you look at the company overall, and you see how they operate their business I am saying that

perhaps instead of new vehicles every year they could do without the new vehicles every year - for one, because this is the cost, this is where the 15 per cent is guaranteed.

I hear them asking if I believe I am going to win any votes with this type of speech? Votes or no votes, I have a duty to do as an elected representative, and when my constituents come to me and tell me that for a two bedroom house and four people with two window units they are spending 300 and odd dollars, where a person in George Town has a four bedroom house and the same amount of people fully air-conditioned and everything is electrical - electrical heaters, electrical stove, where the other house did not have it - and that house in George Town is spending 100 and odd dollars or 200 and odd dollars, I am saying that that sort of situation needs to be looked at.

If those four Honourable fellows over there cannot see that, then they should not even look to the people for a vote next time, much less tell me that I am not going to get any.

**MADAM SPEAKER:**

Can we take the luncheon break? The House will be suspended until 2:15.

Honourable Member, I gather you will not be finished shortly?

**AT 12:46 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:22 P.M.**

**MADAM SPEAKER:**

for West Bay.

Please be seated. Debate continues the First Elected Member

**MR. W. McKEEVA BUSH:**

Madam Speaker, I believe that I have answered in detail the propaganda as put out by the Member for Education on this resolution. This Motion is designed to set Government on the right footing in the short-term by putting together a mechanism where inflation and the high cost of living in these Islands can be tackled in a meaningful manner by the Government together with the private section.

Government has a duty to get together in joint session with the private sector because the inflation and cost of living increases have been fuelled by Government actions: A policy of spending when there was not money to spend. Because Government is consistently freezing out other opinions, an Economic Council is needed where local economic conditions are discussed and a keen eye is kept on the international conditions: A process that will allow everyone that is affected by major economic decisions to have some influence upon those decisions and a process that will allow the Government to escape from the prison of its own advice. Finally, to address the statement by the Member for Education, that a Government composed of the six Backbenchers is not an alternative to him and his team.

When everything is put on the scale I believe the six Backbenchers are a credible alternative. We have demonstrated to this country that we know when something is not going to work for the country - like the 1989 disastrous sale (and ensuing problems caused by it) of the jets of Cayman Airways. The Member and his team have demonstrated a complete inability to manage money and this is demonstrated by what the Honourable Financial Secretary called a divergent path of expenditure as against revenue.

It is further demonstrated by the deficits of over \$18 million for 1991, and a deficit for 1990 of over \$13 million. This picture of financial mismanagement is even worse when you look at their borrowings, which was done in spite of a policy of severe taxation on our people of over \$20 million in two years. Consider all of that together, with the Member of Education's inactivity and wanton disregard for our children's future with the Education system - three changes in three years - which leaves the present and future position that our children in a state of limbo for, at the least, five years before they can know safely where they are at. When you consider that the Member knew since 1989 that the education system in England was changing and when you consider that the same Member of Education had the Education Portfolio for eight years (this year November, it will be eight years) his inaction and wanton disregard for the plight of our children's educational future is good enough reason for this country to turn him down at the polls.

Couple all of that with the worse social deterioration in history - a rise in drug abuse, families split asunder, crime at an all time high, unemployment like we have never had it before - it is worse today than in the 1970s when the Member was also in charge and the people threw him out. Couple that with the rising cost of living, put that altogether with the injustices against our citizens like we have never had before - look at all the cover-ups in the law enforcement arm of Government, and a general advantage taken of the Caymanian people by those in high offices - couple that with a meddling with of the electoral process as we have never seen it before, his Government (and the Member, himself) has no credibility.

He has asked what will the alternative be, from the six Backbench Members. We can offer the people a strong sense of security; a sensible immigration policy, non-discriminatory to Caymanians and residents; we can offer the financial industry peace of mind that their money is safe, and peace of mind so that they can grow without harassment; expansion so that Caymanians can benefit; we can encourage upscale development, bearing in mind our environment and natural resources. We can offer the people of these Islands a proper social development policy, including good rehabilitation programmes and recreational facilities, such as parks in the districts; a proper sports policy (which is badly needed); programmes to tackle the problems of the single parent and other problems which attack the roots of the Caymanian family unit, including the founding of a national youth core to assist in channelling the energies of our young people in positive directions to prepare for life and to help instill discipline. We can offer sensible policies for education where our children are taken care of for the 21st century. We can offer practical policies for safe health care, we can offer good planning laws and build on a sensible agricultural policy.

When the Caymanian people ask the fundamental question, under the present administration: Are we better off today? The answer can only be a resounding 'no'. I know that much as the Member for Education has said that come November 18th, God willing, there is going to be a weeping and wailing and gnashing of teeth as bad as it was in 1976 for that Member - bigger tear drops like you have never seen before. I believe that the six Members left on the Backbench will get others of good creditability to join us and we will be able to offer the people of these Islands a caring Government, one which cares for all; a people Government, not a Government committed to clicks, cartels and just a few family members. We will offer the people a safe future, a safe 21st century.

That is the alternative that we will offer to the people of this country. The Motion is very plain, very clear. It says:

WHEREAS the cost of living as measured by the annual rate of growth in inflation to grow in 1991 to 8.4 percent compared to 7.7 in 1990;

AND WHEREAS various increases on import duty have taken place recently on fuel and other items;

AND WHEREAS these increases have caused corresponding increases on electrical rates, groceries, and other commodities in the Islands;

AND WHEREAS there has been some debate in the News Media, and the Legislative Assembly between Government and Merchants as to who is to blame for the increase of prices, and other cost on commodities;

AND WHEREAS the increases on electrical rates and other commodities are putting a severe strain on consumers;

AND WHEREAS it is accepted that the country is experiencing a recession;

BE IT THEREFORE RESOLVED THAT Government set up a Task Force which would:

- (a) investigate the procedure used at Caribbean Utilities Company, to examine the electricity consumption patterns; and
- (b) related rate structure with a view to reducing cost to the consumer;

AND BE IT FURTHER RESOLVED THAT Government:

- (a) take the initiative to hold seminars with key leaders in the private sector designed among other things to find ways of reducing inflation and the high cost of living; and
- (b) explore the possibility of creating an Economic Council comprising knowledgeable individuals from both the Government and the private sector which would advise Government on key areas of development in the Economy, which advice would form the basis of a report, which Government would table in the Legislative Assembly."

The Motion is left to the Government. As far as I am concerned, we on this side will vote for it and let all the propaganda that can be put out by the Member for Education and his re-election campaign committee in West Bay. Let them do what they are best at - spreading rumours - but do nothing for the people of this country.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The question before the Honourable House is Private Member's Motion No. 3/92 as read out by the Member, and now I shall put the question. Those in favour please say aye, those against no.

**QUESTION PUT: AYES AND NOES**

**MADAM SPEAKER:**

The noes have it.

**MR. W. McKEEVA BUSH:**

May I have a division, please?

**MADAM SPEAKER:**

Certainly, you may.

**CLERK:**

**DIVISION NO. 8/92**

**Noes: 8**

**AYES: 6**

Hon. Thomas C. Jefferson  
 Hon. Richard Ground  
 Hon. J. Lemuel Hurlston  
 Hon. W. Norman Bodden  
 Hon. Benson O. Ebanks  
 Hon. D. Ezzard Miller  
 Hon. Linford A. Pierson  
 Capt. Mabry S. Kirkconnell

Mr. W. McKeeva Bush  
 Mr. John D. Jefferson, Jr  
 Mr. Truman M. Bodden  
 Mr. G. Haig Bodden  
 Mr. Gilbert A. McLean  
 Mr. John B. McLean

**Absent: 1**  
 Mr. G. Haig Bodden

**MADAM SPEAKER:**  
 motion is therefore defeated.

The result of the division, six ayes, eight noes. The

**NEGATIVED BY MAJORITY:**

**PRIVATE MEMBER'S MOTION NO. 3/92 DEFEATED BY MAJORITY.**

**MADAM SPEAKER:**  
 Distribution System of Gratuities the First Elected Member for West Bay.

The next item is Private Member's Motion No. 4/92. Equitable

**MR. W. McKEEVA BUSH:**  
 my name.

Madam Speaker, I beg to move the following motion standing in

**PRIVATE MEMBER'S MOTION NO. 4/92**  
**EQUITABLE DISTRIBUTION SYSTEM OF GRATUITIES**

WHEREAS there have been problems in the Tourism Industry with regard to the collection of gratuities;

BE IT NOW THEREFORE RESOLVED THAT Government take the necessary steps to introduce a system to ensure the equitable distribution of gratuities in the industry

**MR. G. HAIG BODDEN:**

Madam Speaker, I second the motion.

**MADAM SPEAKER:**  
 seconded and is before the House. The First Elected Member for West Bay.

Private Member's Motion No. 4/92 has been duly moved and

**MR. W. McKEEVA BUSH:**

Madam Speaker, all of us are aware that the tourist industry is one of the main pillars of our economy and it is within this particular industry that we have had more complaints and more disgruntled workers than in any other area of the working population in our country.

I am aware that in the condominium and hotel complexes where Caymanians, women especially, are working, one of the incentives and one of the benefits to which the Caymanian man and woman look forward to at the end of the work week is that he/she shares favorably in gratuities which are collected. For years and years now, we have had some unfair treatment in this area. There are a number of managers who deal fairly and squarely and above-board but there are others who do not.

We have heard of situations for years, of hotel managers, condo managers sharing in the gratuities collected. Not just sharing, but taking 50 per cent off the top and the rest was shared among staff. We also had a situation for years where sometimes it was over two months before the gratuities collected for a given month had been distributed. We had situations where gratuities were collected and used to pay salaries. These are cases which have been brought to our attention time and time again. We tried to get several things done to straighten out this problem but it just seems that we keep getting nowhere with it. Time and time again we have made the complaints but there was nothing in our Law which could rectify this problem. The Labour legislation was amended, but some problems still remain.

In the hotel and condominium industry many of the Caymanian women and men today have brought these complaints to me and to other Members of this Assembly. Some of them will tell you that after they have shopped in the supermarkets for the weeks food they have practically nothing left, sometimes nothing. As I visit and do my own inspection of that industry I have some first-hand knowledge of what happens in these condominium complexes and hotels. How on earth is it possible for any women to clean 14 or 16 bathrooms and bedrooms in a first-class facility in the run of a day unless either she is hurting herself or the property is maintained in a less than favorable condition? To get down on your knees and clean a bathroom takes time. Sheets have to be changed, furniture has to be wiped and polished, floors either have to be vacuumed or mopped once or twice, and then polished and sliding glass doors have to be cleaned. If there is a patio, this also must be cleaned. The screens, whether or not there is a Nor'wester, a Southwester or whatever it is, those screens have to be maintained in immaculate condition, and it takes time.

Sometimes they will pay so much an hour, so they rush through 14 or 16 apartments because as parents they are anxious to get home - so the property suffers in that it is not

maintained adequately. If they are paid by the apartment then, of course, they want to ensure that they get as many apartments as possible because at the end of the week the paycheck is much too small if this is not the manner in which they have calculated their pay and how much they can derive from working during the week.

There are many cases to point out. A case in point is a situation where the employee is at a certain property and there is a high season between December and April, with a somewhat slackened period of the amount of visitors that are here on the Island, which of course results in a lower occupancy rate. Most women are aware of this, but the situation here is a number of staff is kept for a month and those that are off have an opportunity of seeking work some place else for that month to keep food on their table and to keep their home going.

That was when there was work out there for people to get. But those who are on permits, the seasonal worker from Ireland, if they come down to do a bedroom in the morning, they are tending to the beach chairs in the afternoon or they are doing something else in the evening. So the Caymanian women is the one that finds themselves in a bind.

In certain of these properties they insist that if they do not have work for you for a full day, for example, if they only need you for two hours, they pay you for two hours and you go back home. There is no way that you can go out and seek employment for that day, even if you had employment.

Recently some ladies at one property told me that for several weeks they were only taking home \$50 odd for the week, but if she refuses to go into work for the one, two or three hours that she is needed at the complex, she will lose her job. Of course they will get the seasonal worker to put in their place. So when the busy season comes on, she will not have a job at that particular complex.

I consider that what is happening with the women in that industry is unfair and unreasonable. Any employee who leaves home and goes to a job, especially when that is a dependable employee who has given you the best of her service in the busy period of the year, should be paid - and paid well. The properties are not going to lose out because they pay the maids not one penny more in the high season. But in the high season their rents are up by \$100 a day more, sometimes over, which means the property does not lose. Whether those rates are \$200 or \$300, that maid is paid exactly the same rate and it is unfair that when they are getting a \$100 a day more in the high season, when the low season comes the Caymanian women goes home with \$50. Fifty dollars cannot even buy you a good bag of groceries, in spite of them saying that the cost of groceries has gone down.

When you look in this industry, women and men who are getting on in age still have to go to work because they have nothing coming to them. I am not talking about people who squander their money or people who waste their money, I am talking about good, honest, hard-working Caymanians who know how to try to save and who try to save but by the time they have put something away (which they may have collected in the high season through added gratuity) by the time the low season comes the money is gone and therefore they are able to save very little.

There has been a lot of talk in this House about whether Government can force properties to collect gratuities. This has to be a grey area. I say that when a property, which for years has been collecting gratuities and that property stops collecting that gratuity but adds on the 10 or 15 per cent (which was being collected in gratuities) on to the room rate as has happened at the Villas of the Galleon recently, then the Government has a duty, if not a legal duty, a moral and social responsibility to see to it that the staff is taken care of.

If a property stops collecting gratuities where does that leave the poor staff? This is what has happened at the Villas of the Galleon, for one. What is the plight on the staff members there? Earlier this year, as I said already, some of them were taking home \$50 odd for the week. Maybe some took home \$150 for the week - maybe. But when these ladies have built little homes or added a bedroom or incurred some other expense which they must meet monthly, and they have incurred that expense by depending on the gratuities collected for the month, when that is taken away where does it leave that woman? Where does it leave the woman who was collecting \$1,300 for the month in gratuities, but that gratuity is taken away and the salary promised but has never materialised - as was the case at that particular property that I have named?

Our women folk are under severe strain. I have been to meetings and I have seen some of them break down and cry because they had to pay rent at \$500 per month and they rented that home on the strength of their gratuities only to come now and be told that we are going to be paid so much an hour, or so much an apartment, and at the end of the week they go home with \$150. But I say what is \$150 per week for a woman with children, with expenses, with loan payments to make? Where does that leave her?

To have a Government to come here and tell you that they cannot do anything because Government did not effect gratuities, is only one aspect of it. We must offer some protection for our women folk in the tourist industry, must offer some protection for all the employees, men and women in that industry. It pains my heart to know that here you have the backbone of an industry and this sort of thing has happened to them and nothing has come about it thus far. It is no use for anybody to get up here and tell me that those are private properties. Yes, I well understand that. But, let them answer their own question. What are they developing for? That is the question they posed to me in the other Motion. Are we not going to see that our people are taken care of in these areas?

Madam Speaker, this Motion will pass, as I understand it, but I do not want the Motion passed and left at that. That situation in that particular property must be addressed. The Government has a moral and a social responsibility to take care of our workers in those areas. I am tired of going to meetings, setting up meetings, taking insults, lies told on me as a representative, and I come here, talk my head off, get hoarse and get nowhere. It is all right for those who do it not to worry, but I have a social conscience and I want to see some redress in this area and I want to know that the Member for Tourism (whom, I know, has been to meetings also) is going to pass this Motion, but I also want to know that he is going to do something about that

situation in that area.

I say that you cannot hire people, give them the impression that they can get \$1,200 per month, have them go to the bank and the bank loans them on the strength of that \$1,200 per month but mid-way in-between you allow the property to take that \$1,200 a month, compensate them with \$50 or the promise of a few more dollars per month or per week, but never to materialise it.

I hope that we are going to get something done about this situation. Thank you.

**MADAM SPEAKER:**

The Honourable Member for Tourism, Aviation and Trade.

**HON. W. NORMAN BODDEN:**

Thank you, Madam Speaker. It is a fact that the collection and distribution of gratuities has been a concern of Government, the Director of Labour and indeed, all Honourable Members of this House who served as Members of the Select Committee which dealt with labour legislation - legislation which was finally passed in 1987.

Those Members will, I am sure, recall the many long hours that the Committee deliberated on the kind of provisions that should in fact be made in the Law to deal with gratuities. That was after receiving representations and holding discussions with as wide a cross-section as possible from the Hospitality Industry. The Committee, in its wisdom, felt that while it is a long standing policy and practice for most hotels, condominiums and restaurants to add a service charge, known as gratuities or tips (which, in my opinion, was originally intended to assist financially employees who served in positions which usually attracted a small rate of pay) while that was, and still remains the practice, the Committee felt, at that time, that this should not be laid down in Law. In other words, it was felt that gratuities should not be made compulsory. However, any establishment which collected gratuities, those gratuities collected must be distributed along a certain plan or guideline and, consequently (as is well known by the Member moving this Motion), Sections 32, 33 and 34 were agreed on and formed a part of the Labour Law which was passed, as I said, in 1987. As all Members are familiar with those sections I refer to, I will not take the time of the House to read those sections.

We thought these measures, as laid down in Sections 32, 33, and 34, were clearly set down and should work well. The Law dealing with this matter firstly stated that the distribution of gratuities is to be carried out in accordance with a scheme, either one prescribed by the Governor or one that was registered by the Director of Labour, and if no scheme was in fact prescribed or registered, the distribution should be accomplished through an agreement which was made between the employers and employees themselves. The Law also set a time limit by which gratuities collected must be distributed. In other words, the Law very clearly states that gratuities collected must be distributed within three weeks of the end of the month in which they were collected.

Employers are additionally charged with the responsibility to keep accounts of the gratuities collected which are subject to inspection by the Director of Labour. As the Member moving this Motion is very well aware, and has stated, this has always continued to be a concern to all of us because we all have received representations from our constituents employed in the hospitality industry. It has been an on-going situation with the Director of Labour and his inspectors carrying out inspections in the various properties from time to time.

In discussions with me earlier this year, I advised him to send out a follow up to some of the inspections which he and his inspectors carry out to all properties which collect gratuities. On the 4th of February the Director sent out to the operators of all establishments collecting gratuities within the Cayman Islands, and he said in here that: "Although the collection of gratuities was never provided for by any legislation, it has certainly become a well established practice in the Cayman Islands and especially in the absence of a mandatory minimum wage, many workers in the Hospitality industry depend heavily on this source to supplement their basic wages". A point which was also made by the Mover. The Director also reminded them that:

"Section 32 of the Labour Law forbids managerial personnel which was defined in Section 2 of the Law as amended from sharing in the distribution of gratuities. Nevertheless, the Labour Department continues to receive complaints about abuses in the distribution of gratuities to the extent that we are seriously considering recommending that Government establish a formula for such distribution as is provided for by Section 32 of the Law and which would apply to all establishments collecting gratuities.

The Law is very clear as to who may share in gratuities. Anything less than complete compliance is unacceptable and must cease. In accordance with Section 34 of the Labour Law, I would be grateful if you would furnish this Department, that is the Department of Labour not later than the first normal work day, Monday through Friday, following the 21st of each month a report showing the total amount of gratuities collected during the previous month and the manner in which those gratuities were distributed by name and amount."

Madam Speaker, many times the public complains about the bureaucracy of Government and they will claim that they are simply being legislated out of existence. But with all due respect to such complaints and complainers, legislators are often pressed into passing and amending Laws and seeking enforcement of those Laws in order to protect the interests of the people simply because there are always those who will choose to resort to unscrupulous and unfair practices, and will do everything possible to beat the system.

This, in my opinion, happens in all societies and this is what

causes so many laws to be passed, amendments to be made, and enforcements sought to remedy those situations and to correct unfair businesses practices. It is also true, as has been pointed out, that several complaints and allegations of unfair and unequitable schemes for the distribution of gratuities have been made to the Director of Labour and the Portfolio.

Many of the allegations made were that since the Labour Law of 1987 did not specifically state which employees are entitled to participate in the gratuity scheme, staff at managerial and professional levels, who would normally be expected to draw an adequate salary for their high level jobs they hold, that these categories are allowed to reap the benefits of gratuities which are collected.

Government took these complaints seriously and moved in an attempt to, if not to block entirely, at least discourage, abuse by passing an amendment to the Labour Law in 1989, less than two years after the Law came into force. This amendment, among other things, provided a definition of managerial staff and amended Section 32(1) of the Labour Law to read: "Any gratuities collected or received by an employer from customers shall be distributed among employees not being employees of managerial or professional level in accordance with the provisions of a scheme prescribed or registered under the provisions of this section, and in the absence of any such scheme, by agreement with the employees.". Needless to say, complaints and allegations of unfair practices in the distribution of gratuities collected, to some degree, persist and dissatisfaction has been expressed over the scheme being applied at some established businesses.

The practice and procedure that has been followed to-date is that hotels, condominiums and restaurants, have developed individual schemes arrived at through an agreement which has been reached between the employer and employee as provided for in one section of the Law which was one of the options. According to information which I have received from some employers and employees, this system seemed to work best. So I requested the Director of Labour sometime ago, probably over a year ago, to conduct a survey of properties collecting gratuities to establish that the individual distribution system was working satisfactorily to both employers and employees and the Director reported that the preference obviously was to leave the scheme as is: that is, the system whereby the employer and employee agree what works best for them in their own particular case.

The situation seemed to have settled down for awhile, however complaints to a lesser degree continue and the Director of Labour has investigated claims and allegations specifically, as well as in the general course of conducting ordinary property inspections. I should say here that the Director of Labour has investigated a case which he considers serious enough to refer to the CID and the Legal Department. This has been done and will be followed through to conclusion. Let me also state here that while the Department of Labour and the Portfolio have been patient, lenient and understanding, we will not tolerate open abuse and total disregard for the Labour Law of this country. This Law is designed and intended to protect both employers and employees. This was made clear in the Select Committee which dealt with it, and it was made clear during the debate on the Labour Law and this must be the practice.

I must say that while it has never been the purpose, objective or intention to harass (or even to appear to be harassing) any local businesses (especially in this case those tourist related businesses such as hotels, condominiums and restaurants), the purpose and objective has been to be fair to both sides. But I have to say that based on information and discussions held with the Director of Labour on this matter it does appear at this time to the Portfolio that in spite of all of Government's efforts and striving (which I have outlined) to arrive at a cooperative and satisfactory working relationship, and to have in place an equitable scheme for the distribution of gratuities collected, that the time has come to resort to the provision of the Labour Law which enables a formula to be prescribed and applied. Let me also say here that while there have been complaints about some properties and their practices (and I think the Mover recognised this), there has also been total satisfaction expressed with the formula being applied by many hotels, condominiums and restaurants. It must be borne in mind that we have a total of 144 such properties.

Madam Speaker, in moving the Motion the Member referred to a case dealing with Villas of the Galleon. He spoke about the responsibility, the moral and social responsibility of Government to see that the employees are taken care of. I believe that we should make it abundantly clear at this stage that employees will be taken care of in accordance with the Labour Law as it stands at the present time. But, as is well known by the Member moving the Motion, and the public in general, Government does not set wages or control costs to any degree in this country. As he mentioned, I have met with the managers and the employees of Villas of the Galleon, and the Director of Labour is aware of a situation which came about there in January of this year. The investigation and discussion between the Department of Labour and that particular property is continuing. However, the collection of gratuity is not compulsory under the Labour Law.

I appreciate, as much as the Mover of this Motion, the hardship and the difficulty that employees can find themselves in when they have been accustomed to earnings at a certain level; they have made commitments and then there is a sudden change in their earning power. Undoubtedly, this creates severe hardships on many people, and from where I sit in Government it is my intention to see that it is redressed to the extent that Government has the power and the ability to do so.

I am in consultation with the Legal Department to establish whether there is anything within the Law, as it stands at the present time, to deal with sudden changes made in the working conditions of employees. If there is nothing there, then it would be a matter for Government to consider making an amendment and whether that is passed or not would depend upon the will of this House. Any employee affected in this manner has my concern and understanding, but I think in all fairness I have to make my position abundantly clear to the listeners of this debate, to the general public, to those employees in the Hospitality industry, that Government at this stage can only go as far as the Labour Law allows it to go.

This Motion deals with an equitable system of the distribution of gratuities. On behalf of Government I accept this Motion and I can assure the Member that a proper system will be



put in place: It will be standardised, proper research will be done, input will be sought from as wide a cross-section as possible and I would propose to involve all the different sectors that I can before making a recommendation to Executive Council as to the standard system that should be put in place. Undoubtedly, we will have some protest from those properties and employees who claim to now have a satisfactory system, but, nevertheless, the standardisation of a system for the distribution of gratuities, in my opinion, has become necessary and we would not have had to take this action had employers and employees worked together and complied totally with the Labour Law.

Madam Speaker, with that background information, and those few words on behalf of Government, I am prepared to accept Private Member's Motion No. 4/92 for the Establishment of an Equitable Distribution System of Gratuities.

Thank you, Madam Speaker.

**MADAM SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**  
think this Motion has been long over-due.

Madam Speaker, I rise to support this Motion and to say that I

I am particularly heartened to hear the Member responsible for Tourism say that he is moving to create a national formula for implementation in the distribution of gratuities. The question of equitable distribution of gratuities has been a continuing complaint in the Cayman Islands for many years: I suppose we might say from the time that the Hospitality industry in all its areas - hotels, condominiums, restaurants, etcetera - has been operating in the way that it presently does.

I know, as a fact, that a considerable amount of money collected by these various properties comes as a result of collecting gratuities. Some places collect 10 per cent, others collect 15 per cent: but, when one thinks of the total or aggregate amount of money that these properties collect, and then figure 10 or 15 per cent of that in any given year, I daresay it runs in the hundreds of thousands, if not millions, of dollars collectively. Guests pay gratuities because it is their opinion that the people who work for it (that is, their waiters and waitresses, and those who serve them and make them feel comfortable), receive these gratuities. It is my opinion that they do not often receive these monies as they should.

I know when I was Principal Secretary for Tourism there were many complaints that came in to the Portfolio at that time and as the money has grown and the numbers of people have grown I suppose so have the complaints, right up until this particular time. It is an area where management, or properties, shall I say, in these various industries can "cook the books", as it is sometimes said, or can finagle with the money - not to say or suggest that that is the way or attitude of all properties.

I have been told, as I inquired whether a property can force a person to pay gratuity, that legally you really only have to pay the price for what you are receiving in the terms of your food or your drink, that one can refuse to pay that gratuity which is added on. How accurate that is, I am not sure, but I have been told that by a legal practitioner. Be that as it may, I think most places in the world where guests are entertained or accommodated accept the gratuity as sort of standard practice. If it is to continue in this country as it presently is in place, I believe that the people who are due to receive that gratuity should receive it and, indeed, it is the duty of the responsible Government Department for this particular item to see that it is done.

I am aware that certain properties pay exceptionally low wages to employees and they take the gratuities and distribute it as they will and add it to the person's wages and consider it a part and parcel of their wages. My argument is that gratuities, while it comes in as part of income, is not a part of the basic wages of an employee and it should not be that way. The Labour Law of this country also cites, in section 21(5), that it is not supposed to be treated as wages, as such, when reckoning wages of an employee. But it is being done, and I think it is being done to an extent that the Government should intervene and see that it is stopped.

The Labour Law of this country also provides under Section 32 that a distribution scheme for gratuities can be prescribed or it can be registered. My understanding there is that this is something which the Government can do but it is also my understanding that this has not been done in the Tourism industry or in those businesses which collect gratuities. Of course it also says that in the absence of a scheme an agreement between the employer and the employees can be made.

Not for one moment do I believe that any such agreement does not fall in favour of the employer. The employee is just that - an employee - there is no collective bargaining in this country, no labour union, no labour association or whatever and thus the employer sets down a scheme and they do with it as they choose. The employee must simply accept it, or do their next best. Their next best, of course, is going to the Labour Office and the question is: How much is the Labour Office or the Labour Officer permitted to do in going to argue with employers about what is the correct scheme or formula for gratuities? In my opinion, that is very limited. Not only are gratuities charged on accommodation, food and so on, gratuities are even charged on beverages - alcoholic beverages. There are lots of bars that charge 15 per cent on top of what the cost of the drink is. We have gone completely wild on this question of gratuities and I do seriously wonder what percentage are employees getting out of this whole deal?

It is left in the Labour Law for the Governor to prescribe a formula to be used by all employers or all employers of a certain class. Personally, I believe that formula to be used by all employers would be the all encompassing one. However, if one takes into account that there are restaurants, bars and hotels where there may be certain varying conditions within these classes of establishments, there might also be a need to prescribe a formula for all employers within certain classes. But, surely, the time has come that the Government should act on this particular matter - quickly and swiftly.

Right now this country is into the winter season, or the tourist season, when one may assume that large sums of money are being collected and now that we are in a recession the persons who look forward to receiving money from gratuities would indeed need it more now than, perhaps, prior to the present times. Where no regulations have been made by the Governor, according to our Labour Law (Section 32(3)) the Director may register a formula to be used. My understanding is that in various properties the Director has, as such, at least taken notice that (whether it would be called registration I am not sure) certain properties distribute in a certain way and other properties do not.

As I recall, about a year or more ago in the House during question time, the Member for Tourism stated that it was his understanding there were approximately a dozen different formulas in use by hotels in this country. My argument is, that it is not sound or sensible for that to continue to be that way - not if the Government is to act as the Regulatory body or the Inspectorate over this particular action. There needs to be one formula where the Government can review and evaluate what is happening. It just does not make sense to have a dozen formulae: There is one Labour Office and maybe two or three Labour Officers and the idea of them sit down to evaluate 12 different formulas or schemes absolutely makes no sense whatsoever.

The Member for Tourism has noted that the Labour Law also provides that gratuities should be distributed within three weeks from the end of the month in which they were collected. I have had many reports from different people that this does not happen. I suppose a similar attitude is taken with this in terms of Government's enforcement, as it is with the collection of the accommodation fee which this House is well aware has been owed to Government in the millions by certain properties in this country.

The Government has a duty in this respect to supervise, to regulate and to inspect what is happening and to enforce against these properties which are not doing what they should in this respect. I wonder if the records of the accounts are being kept in all of these properties? I wonder in what way they are being kept? Are they separated for ease of inspection, or are they treated in a manner that so much money is shown to be the amount of money collected for gratuities but no principal amount of money is being shown at the time of inspection to show how the gratuity amount is arrived at? I have often wondered about it. I have been told, at least in one instance, that there are various ingenious ways of finagling with the way it is done.

I do not know if there are any people in the Labour Office who have accounting backgrounds, so I do not know how able these persons are in actuality going in and examining the books and really being able to pick up where something may not be correct. In this respect I think that the Labour Office should be in a position to fall back on the Government's Accounting Office, be it Internal Audit, the Auditor General, or whomever; to ask them, when they may have doubts; to go in and have a look at those records: For therein must lie a lot of truth, or a lot of untruth, about what is happening with gratuities. Where it might be found that it is not correct in the way it is being kept, I believe it is the duty of the Government to bring charges against those properties and for them to be penalised under the Law.

The amount of gratuities that can be collected by any property relates directly to the cost of goods and services. And, the way that an employee sees it, it is what the gratuities bring to them in terms of income. I understand that in some instances formulas are used so that if there are a dozen people who are collecting \$4 per hour they share out of the total amount of gratuity a certain percentage, and it is shared among them at their hourly rates. If that is the case then some people really find themselves in serious trouble because some of the wages paid in the Hospitality industry are extremely low.

I have also been told that some properties have a policy whereby, if you leave a certain amount of money on the table for the person who has been serving you, that that person cannot take that money left there as a tip or as a gratuity - although it was the way it was intended by the patron - they have to put that into a big kitty which is distributed among the larger population of the employees even though it was intended for the individual serving, and even where there was already a percentage added on to the bill. Those types of things should stop. They do happen.

I think the time has come, too - and I trust the Member for Tourism will take note that under the Labour Law there is a provision where the Governor may prescribe national minimum basic wages. That being the case, the livelihood of a number of employees and workers in this country can be improved.

If we take the Government's Estimates of Revenue and Expenditure this year and we look into the wages section there are tables set down there which prescribe Government minimum wages for all of the people employed by Government - mechanics, masons, carpenters, maids, you name it, it is all there. So I believe, in keeping with that particular practice, it is time for the Member and for the Government to begin to look at the situation in terms of prescribing by occupation certain minimum wages in the Hospitality industry in which gratuities are a part. The construction industry each year publishes their scales of pay so it is not that it is a non familiar or revolutionary type of action. I certainly believe it needs to be done, particularly from information which I have regarding Cayman Brac, and here, I trust that I will be allowed to raise some questions on this particular matter without intervention as I happened to unceremoniously run into this morning.

I am told, for example, in Cayman Brac, at the Tiara Beach Hotel, that some employees earn as little as \$1.75 per hour, basic wages. I do not believe for one moment that there is any work activity in that hotel that would attract so low a wage. If that is the case, I believe it is incumbent upon the Government to inquire into it and to suggest to that property that that has to have inherent in it unfairness. I am also told by some employees that gratuities in this particular hotel are not distributed in total, that some is taken off by the hotel for breakage, and all the rest of it. I again say that that is illegal, because it breaks the Labour Law. The Labour Law is specific about the money being distributed to the employees and it specifically states it

should not be distributed to people in management and it describes who people in management are. I understand that not only at this hotel, but also at some hotels in Grand Cayman, that gratuities are paid in the pay-packet of persons in management. I want to raise the question: Why? And ask that the Member take note of this and instruct the Labour Office to examine this carefully. Over and over again I am hearing this complaint and I think it warrants investigation to the fullest extent and, if necessary, to take along someone with accounting experience who can examine the books and tell.

Another question I would like to ask, is whether Cayman Brac and Little Cayman has the same access to the Labour Office as does Grand Cayman? If that is the case then I believe it is absolutely necessary for more visits by the Labour Office to Cayman Brac and Little Cayman: Not for the usual two or four hour visit to go up on the plane in the morning and to come back as soon as it is coming out in the afternoon, I mean to go there and take such time or days or weeks or whatever is necessary to get a full and comprehensive survey of what is happening in Cayman Brac and Little Cayman with Labour and with gratuities. And, if those two Islands have the same access and same right to the Labour Officer, I think that the way that it is presently happening it is not getting its fair share.

The Government should be aware that the conditions which prevail in Cayman Brac and Little Cayman, in terms of labour, are different than Grand Cayman. The people who are employed there have to be very grateful to be employed there. They cannot walk from one job and go to another - there are no others. Therefore, the opportunity for management to bring undue pressure or unfair requirements on employees is greater than in Grand Cayman. They are further away from the Labour Office, therefore, their cry is less able to be heard.

This is a matter that I have had numerous representations made to me on over the past three years and right up until the most recent times. There is a problem in the two Islands that I represent: First, and foremost, in finding sufficient work regularly throughout the year; and secondly, the question of wages and gratuities plays a very important part.

Next to Government, the largest employers in Cayman Brac and Little Cayman are the hotels. I am most grateful that they are there and I am certainly one that supports the companies who operate them there. I am one who, without hesitation, would compliment the man who built both of them there - Mr. Linton Tibbetts - as being one of the greatest contributors to those two Islands' employment. Irrespective of what anyone else might think, that is an inescapable fact. I would like to see it continue, but I would like to see it continue fairly.

This Motion asks for equitable systems of gratuity distribution and I think in that it says what any reasonable person would want, expect or require. I am greatly encouraged to see that this Motion has come now and indeed I do commend the mover for bringing this Motion. It is very timely. I also am very happy to hear that the Member for Tourism is taking steps to at long last bring about a national formula to ensure that the malpractices which are being alleged to be happening in so many properties will indeed be fixed by having in place a formula where Government can review and evaluate what has been happening in this particular area.

Thank you.

**MADAM SPEAKER:**

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. I rise in support of Private Member's Motion No. 4/92, entitled Equitable Distribution Systems of Gratuities.

I moved the Motion in 1989 calling for the establishment of the same formula, but at that stage Government was happy with the fact that there were quite a number of different formulas which were established by the respective properties for the distribution of gratuities. It was my contention in 1989, as it is today, that you cannot have a dozen different formulas and they all be equitable.

I am also pleased to hear that Government is prepared now to accept this Motion and take whatever steps are necessary to ensure that a formula is established and that it becomes a part of the Labour Law. It is very important for us to remember where the gratuity idea came from and who it affects. According to my research back in 1989, the gratuity system was introduced by establishments in the hospitality industry to replace the old tip system which basically benefited the hourly paid workers employed in that industry, workers such as waitresses, bartenders, maids, bar-maids, bell-hops etcetera. To this group of employees gratuities are very important because of the low hourly wage that is earned by these people. They use and they depend on their gratuities as an important supplement to their income.

I think it is important also to keep in mind that the mobility of the hourly paid group of employees is very limited, that is, you could find an employee working their entire adult life as a maid or bartender, or as one of the other respective employees in this area. So it is very important that these persons get what they are entitled to. What is also important is that the majority of these hourly paid employees are Caymanians. I feel that our first priority in this House is to protect the interests of Caymanians.

In order for the Labour Office to ensure that the abuse in this area is eliminated, and that those persons entitled to these gratuities get them I feel that additional qualified inspectors should be employed who have an accounting background and who can go in on a routine basis to examine the records of the respective establishments, thereby establishing the amount of gratuities collected and ensuring that they are distributed equitably.

I also feel that the Law must now be amended because I think what you will find as a result of this amendment to the Law, where Government establishes a formula for gratuities, that some establishments will prefer not to collect them rather than be in a position where they are told if they collect them, here is how they are to be distributed. The Law must be amended to mandate the collection of

gratuities and their distribution. It must also be amended to include penalties for employers who may be found guilty of abuse in this area and who may also be guilty of delinquency in paying these gratuities in a timely fashion.

I do not have a whole lot more to say but I would just like to add that I am now very pleased to see that Government is prepared to move in this direction, and I commend the Mover, the First Elected Member for West Bay, for once again bringing this very important subject to the forefront. I support the Motion.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. I am happy that this Motion has been accepted by the Government and I would like to take the time now to commend the Mover. I will be my usual brief self, but I would like to say that I see this Motion as being an important step towards the establishment of an equitable distribution system, in that it relates to the gratuities as being of vital importance to the continued ability of these Islands to offer themselves as a viable tourist resort.

It is common knowledge that the people who work in the Hospitality industry are some of the most committed, dedicated members of the work-force of these Islands. It is also an accepted fact that they, by virtue of the fact that many of them have to work very long hours, have to experience conditions of employment which is not necessarily encouraging in every case. Frequently some of these people telephone to complain about the plights they suffer, many of them from time to time stop me in the streets and I am wholly sympathetic and understanding of their experiences and I am happy to say that, at long last, there is some relief on the way for them.

It is unfortunate, but true, that many of the establishments in which these people work are not forthright in their dealings with these people when it comes to the gratuities, for often we hear of gratuities forming part of wages and salaries, etcetera. I long for the time when the Government can make an investigation into these complaints, and I hope with the undertaking given by the Member, under whose responsibility this falls, that the Government can at last get to the bottom of this matter and that our people can get the gratuities and the wages which they so well deserve for working so diligently.

I would like to suggest that the time has now come in this country for us to consider the establishment of a national minimum wage scale. It strikes me that this is the only way we are going to guarantee some level of satisfaction and to ensure that our people can be properly remunerated for the work and jobs which they perform. The establishment of this need not be a combative exercise, for I believe in so doing we will be safe-guarding the rights of the employer, as well as the rights of the employee, and it will put to rest at once all the charges of finagling, of the creative accounting and of the deprivation which we so often hear about.

It is also a truism that any disgruntled workers will not perform at the optimum level, and I hope that we will be moving in the right direction to solve this problem once and for all because the services we give, and the performance which we undertake, will make the difference between our being a first class tourist destination and merely among a group of competing nations for the tourist dollar.

Once again, Madam Speaker, I am happy to remark that it seems we are ending this session on a note of agreement and amiability, and I congratulate the Mover. I also commend the Honourable Member by accepting this Motion.

Thank you.

**MADAM SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. I rise to support Private Member's Motion No. 4/92, Equitable Distribution System of Gratuities. I am glad to see this motion before the House. I will remember the long hours of deliberation during the Select Committee on the Labour Law: many times we brought in people from the Hospitality industry and discussed their method of distribution of gratuities, the varied policies that each one had, each one feeling that theirs was the better of what was being offered.

I also had discussions with a hotel manager of a property which is owned by a large chain of hotels, and he quickly said to me their company would like to abolish the gratuity systems completely, but they would need one year in order to republish their rates - which immediately said to me, that gratuities were paying a part of their wages. It confirmed my belief of many years. If they had to republish their rates it meant that they would be subsidising their wages by gratuities, which, as other speakers before me have said, that certainly is not the intention of gratuities. I think it is a reward for services rendered, and I have great concern when managerial staff benefit from this.

I sometimes wonder, if there was a complete system of honesty existing, if the old original system of tipping those who gave service would not ensure a better service to the customers than they are now getting. Those who gave service would benefit directly on the remuneration given by the person receiving the service. I guess that would make it too complicated and in the end some of the people now getting a part of the gratuities would lose.

I have a concern that some of the hotels, or some of the properties, may tend to reduce their gratuities and not increase the wages proportionately so the take home pay of some of these people may not be the same. That is the concern that I have, and I am confident that the Department of Labour will be looking into this aspect. I am glad to know that the Honourable Member for Tourism has the Labour Office checking into all the aspects of this, and I look forward to seeing a national equitable distribution scheme established. I do not think any two properties have the same policy and I do not think it is fair

where some maintenance men are included in one scheme and excluded in another; front desk operators included in one and excluded in another; managerial staff in one and not in others, and also some percentage is taken out for damage to property which, again, I feel is wrong.

Therefore, I think the only solution is that a national policy, which will take care and cover each and every institution who has a service policy added to whatever they charge, whether it be a restaurant, a hotel or what ever, then I think it will work and will be fair.

With these words, Madam Speaker, I am happy to support the

Motion.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I support this Motion and I am happy to see that Government also supports the Motion. This is very important because the recently published statistics have shown that we have a very substantial part of the working population in these Islands who are involved in the hotel and tourist industry.

It is important that the Labour Law be fully carried out, and it is important that a solution to the problems which Government admits exist can be found. I commend the Mover, the First Elected Member for West Bay, in bringing this Motion and I am very happy to see that the Member for Tourism on behalf of Government has supported it. The people who work at the hotels, condos and restaurants are very hard working people, many of them work reasonably long hours for fairly small basic pay and they rely heavily on the system of gratuities. It is because of the basis upon which they are paid that it becomes most important that the Government ensure that the system of distribution of gratuities is one that is fair and equitable.

I believe that there is sufficient machinery set-up in the Labour Law which should be able to deal with this, but I think as the Member has admitted in relation to some of the properties who may be seeking to circumvent the system in any way, or erode it, I would say rather than circumvent it, that it may be difficult to achieve this in an easy way. However, I think it is important, especially in these times of recession, that a solution is found to the problem and that we see that Caymanians, specifically, and other non-Caymanians who may be in this industry are treated fairly.

I believe that Government can find a solution within the Law that exists and it is one that I hope will come at a very early stage. So, I am very happy to support this Motion which ensures the equitable distribution of gratuities in the tourism industry.

Thank you.

**MADAM SPEAKER:**

If there is no other Member wishing to speak, I would ask the Honourable First Elected Member for West Bay if he would like to exercise his right of reply?

**MR. W. McKEEVA BUSH:**

Thank you, Madam Speaker. I want to thank those Members who offered support of the resolution and I have to wonder, if Government did not support the Motion, whether the First Member for Cayman Brac would have offered his support to it?

As I said, there is much concern about this gratuity situation. This gratuity is not a new thing. All territories or tourist destinations collect gratuities and I am fairly familiar with the tourism industry because my mother worked there for at least 25 years or more. My step-father has been in that industry for that same amount of time. I have come in contact with all sorts and nationalities and I have never heard anybody complain about paying gratuities - I have heard them complain about other high costs in the country and I have heard them complain about the high room-rate, but never about gratuities.

While what the Member for Tourism has said is all right, I am saying that we have a problem, a definite problem, where a property close to 15 years old now or more, has been collecting these gratuities and has stopped. Our people working there for 15 years have taken this loss. It is not like they are being paid a monthly salary of \$1,600 per month. For some of them, if they go home on a regular work week with \$150, it is good.

Now suppose the Legal Department tells the Member that under the circumstances nothing can be done? What will the Member do then? Suppose (and this is not far-fetched) all the properties decide to cut out gratuities? What will the Government do then? You just cannot come up in here and try to please both sides. You are not going to do it. We have to protect our people. If our people were not already geared up and already depending upon gratuities as an integral part of their monthly income, then it would be easy to change. But how can you allow it to be changed when it is detrimentally affecting those people? Is it fair to allow the people to stop collecting the gratuities but increase their room rates by the same 10 to 15 or 20 per cent? Does the House really understand what is happening to our people? There is no use attending meetings if we are going to allow this to happen.

We brag here about a good standard of living for our people. What helps to sustain this high standard of living? Is it not things like the low-income people being brought up to a high standard? It is certainly the issue of the money, the collection of gratuities. We really can do nothing else but the Government has the wherewithal to do something about it - and I am telling the Member if they can within four or five weeks bring a Drug Bill here where it makes it possible for people to get up to two ounces of cocaine, they can bring an amending Bill here in June to affect the changes that are needed to assist our people. It is all right to sit here and make a big salary and make changes in our Pension Law to give them \$5,000 a month, but when you go to meetings you see our people, and you see poor people crying - women actually cry - because of that situation. And you are going to tell me that we cannot do anything?

Madam Speaker, certainly they are not appeasing me by just

saying they are accepting the resolution. I want to see changes affected for our people. Madam Speaker, I am losing my voice and I do have some more to say before the day is over. I will stop here, but I ask this Honourable House to something about what is happening with people going home with \$150, sometimes \$60 per week. If they get \$150 or over, it means that they are working more than the eight hours per day - they have gone back and worked another shift. That, then, is helping to attribute to our social problems because the home is left un-cared for.

I trust that they are going to do something about this situation down at the Villas of the Galleon\*to give them a warning or to give any other property a warning that they just cannot come here and do as they please. You are talking about room rates of \$300 per night. So they are not losing. Those same places will buy a case of bleach for 74 apartments for the month. This is the kind of stuff that is going on.

I leave the Motion to the House.

**MADAM SPEAKER:** The question before the Honourable House is Private Members Motion No. 4/92: WHEREAS there have been problems in the Tourism Industry with regard to the collection of gratuities; BE IT NOW THEREFORE RESOLVED THAT Government take the necessary steps to introduce a system to ensure the equitable distribution of gratuities in the industry.

**QUESTION PUT:        AGREED.        PRIVATE MEMBER'S MOTION NO. 4/92 PASSED UNANIMOUSLY.**

### **ADJOURNMENT**

**MADAM SPEAKER:** That concludes, on a very pleasant note, the Business of the House for this Meeting. I wish to thank all Members for their courtesy to the Chair, for their attention and consideration of all the matters brought before this House. The Meeting lasted for 16 days.

I also wish to thank Madam Clerk, the Deputy Clerk and the Serjeant-at-Arms for their continued attention to duty. They give quick and careful assistance to the Chair and to all Members. The other members of staff behind the scenes give outstanding assistance as well. I think Members will agree that the quick and efficient production of certain portions of the *Hansard* before its completion by the two young ladies is also very commendable, and I know everyone appreciates this.

Finally I would also like to thank the staff that keeps Members happy by the foods prepared, and perhaps this is one of the reasons why the meetings have gone on so long - people are reluctant to leave. Thank you all very much.

Today is the last day on which the Honourable Financial Secretary will sit in this House, unless there is a special meeting called before the end of this month when he will be retiring from active service. I know that many Members would wish to pay tribute and accolades to him at this time for his service and at this time I would call upon the Honourable Third Official Member who will speak, and, thereafter, if any others would like to (I am sure they would), they can do so.

The Honourable Third Official Member.

### **TRIBUTES TO THE HONOURABLE FIRST OFFICIAL MEMBER UPON HIS RETIREMENT**

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I rise to pay tribute to the First Official Member on his retirement. He will have completed his service in that capacity to this Legislature, having been a Member since 1982.

He joined the Civil Service in 1971 and has had quite a distinguished career. I could begin by sketching out some demographics of what the community was like when he joined the Service. In 1971 the population was approximately 11,000; the revenue for that year was \$4.2 million and the expenditure was \$4.8 million. The Annual Report for the year under the general paragraph of the introduction said that "The year 1971 was outstanding in that it saw the title of Administrator of the Cayman Islands changed to that of Governor; the passing of much controversial and important legislation; continuing development of the tourist industry and tax haven business; and the erection of many new buildings which completely changed the physical aspect of the capital of George Town."

The Report goes on to describe the other changes that took place in 1971, including the change of title of the former Deputy Administrator who became Chief Secretary. The Executive Council met for the first time in Cayman Brac in that year. The Honourable Tom Jefferson moved up very quickly through the Civil Service, not only performing his duties but undertaking extra studies as well. He acquired a degree in statistics and a degree in economics, and when one looks at the number of accomplishments over the years, the various positions that he has held, and the responsibilities that he has shouldered, I had to do a little bit of research to find anything that would be comparable to it.

In my research I came across an introduction written in a book published in 1987 containing a selection of writings of Morris Cargill, who wrote for many years in *The Jamaican Gleaner*, and in this book of a collection of his writings, the writer of the introduction had this to say about Morris. It says, and I quote:

"Being Morris, as it turns out, is a pretty restless undertaking. It requires one to become not only the Caribbean's most widely read journalist, but also its best broadcaster, a large scale farmer, a novelist, a statutory board executive, an entrepreneur, a cinema manager, a solicitor, a newspaper editor, and an elected politician.

He has not, at least I do not think he has, taken a medical degree, but you would have a hard time believing it when he ran his property and ministered to the medical needs of both his beast and brethren with an audacity that more formal physicians might have envied.

The only consolation for the rest of us who struggle to achieve even one of these occupations is that he at least had the decency not to perform more than a half a dozen of them at the same time."

I put that quote on the record because it will be seen, in historical terms, that persons such as the Honourable Thomas Jefferson will have performed over the years, many numerous and varied duties and the only consolation for the rest of us coming behind him is that tribute to Morris Cargill, which says that he did not perform too many of them, all at the same time.

The Honourable Thomas Jefferson, as I said, was promoted quite rapidly and he became Financial Secretary 11 years after joining the Civil Service, whereupon he became a Member of this Legislature. Five years later, upon the retirement of the then Chief Secretary, he assumed more additional responsibilities, becoming at that time in 1986, the First Official Member and Leader of Government Business in this Legislature.

Now, if I could sketch out the demographics of what existed in 1986, *The Annual Report* for that year summarised the year in this way. It says, and I quote:

"The Cayman Islands' economy sustained increased activity during 1986 at a time when the world economy was floundering and fears abounded locally that the signing of the Mutual Legal Assistance Treaty in July would adversely affect the major pillar of our economy, namely banking. In fact, contrary to the expectations at the beginning of the year that the rate of growth would moderate as so many banks were already here, the Financial Secretary (the Honourable Thomas Jefferson) in his Budget Speech in November said that the banking industry remained buoyant and banks of quality continued to arrive. Twenty of the world's 25 largest banks are now licensed here, including the first six. By year's end the number of new licences issued, 37, fell only two short of the previous year's total, bringing the total banks and trust companies to just two short of the 500 mark, a net increase of 17."

The Honourable Financial Secretary, Members will recall, was instrumental in the negotiations which led to the signing of the Mutual Legal Assistance Treaty and has led the way and blazed the trail in furthering the development and success of the financial industry in these Islands. He was also instrumental in having developed a most modern Shipping Registry, a thriving insurance industry, and a complete revamping of the Statistics Office; as well as leading the development of computerisation in the Civil Service.

When he became the First Official Member and Leader of Government Business he shouldered that responsibility with humility and with pride. He has done this for the past five years and 11 months, and those of us who have had to work very closely with him are obviously very proud of his accomplishments. He is always willing to share the credit for his efforts with others and he has left a model in the Service that is indeed worthy for others to emulate.

I express this tribute, Madam Speaker, on behalf of the Elected Members of the Executive Council, on behalf of the Second Official Member, including the substantive Second Official Member, who particularly asked to be associated with these remarks, and of course, myself. This tribute goes to the First Official Member, the Honourable Thomas C. Jefferson, OBE., JP., on his retirement. We wish him every bit of health and success, wherever his future takes him.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, I too rise to pay tribute to my colleague the Honourable Thomas Jefferson, Officer of the Most Excellent Order of the British Empire, a Justice of the Peace, Financial Secretary of these Islands for the past 10 years, and Leader of Government Business in this Honourable Legislative Assembly.

Madam Speaker, my knowledge and observation of the man was that he worked with untiring devotion for those principles and ideals that he cherished. He has worked hard to keep these Islands on a stable financial course. In his time in the Government many milestones have been effected for the betterment of the people of these Islands. His vast knowledge in matters of finance, his prudence and financial management led to the introduction of much important financial legislation such as the Trust Foreign Element Law, the Exempted Limited Partnership Law, the Companies Law (Revised), the Banking Law, and one of the most important, the Audit and Finance Law with the Financial and Stores Regulations. All this has led to a good framework of financial affairs in this territory.

Because of his desire to see Caymanians come ahead, there are many Caymanians who have progressed to become heads of departments under him, and I am proud today that for the first time we have a Caymanian as our own Banking Inspector, and a fellow West Bayer at that.

Madam Speaker, I believe that his record will stand the test of time as a civil servant. Although we shall wait to see what shall be the cry in months to come, in years to come, I do not think there is very much that can be raised to mar his character. I know that he has had the influence of a Godly mother and a Godly father, the latter having passed on. I know that their attributes have not fallen short with him.

During my time in Government, it is true to say that we have not always agreed on issues, but one thing I can truthfully say is that while discussing or informing me of an issue, he never spoke in a condescending manner. His approach always was as if to say, "Come, let us reason together.". With no one to turn to on the Elected Executive Council these past couple of years, I have had to seek his advice or assistance. His assistance came with the impartiality of a good, loyal civil servant. Although he was not an Elected Member, many were my constituents who benefited or had a problem addressed and taken care of by him because of his concern for the totality of the human conditions in these Islands.

As the true statesman he is, I have observed him to place a high order of priority to the maintenance of a peaceful and orderly society. Today may be his last day in this House as an Official Member, but I am trusting the good Lord to shape the future in such a way that he will return here in another capacity with the help of the good people of West Bay. That is my hope. I want to be able still to listen to him, to catch the gems of wisdom and the invaluable advice he so generously bestowed on all of us. No doubt he had to have courage and strength of purpose.

It was Sir Walter Scott who said, "It is wonderful what strength of purpose and boldness and energy of will are aroused by the assurance that we are doing our duty.". While I wish for him and his good wife, Bette, and their children, God's every blessing, I will not say good-bye - but just to say until then, when that strength of purpose will see the boldness to continue his duty in another capacity.

so dearly.

God bless him, and God bless these Cayman Islands he loves

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, I too have caught the hoarseness from the First Elected Member for West Bay, and I believe it is quite a tribute that I make this special effort to say these few words to my dear friend the First Official Member of Government.

The Financial Secretary came to Government in 1971 and I had the good fortune, or the ill fortune, of being elected the very next year: So my association with him has spanned 20 years. There were times when I had been in opposition to the Government and there were those years when I formed a part of the Government and worked in Executive Council with the Honourable Financial Secretary. But it never mattered whether I found myself in or out of the game because this man is, as one writer has said, "A piece of the universe made alive.". I call him a man without wax. In the days of ancient Rome when they sold these beautiful marble statues, the good ones were put out in the sun. The ones that had flaws and had to be stuck together with wax were put in the shade. So when a craftsman had a good one, he would hold it up in the bright sunshine and say, "Sincerely, sincerely, this statue has no wax.". I say of the First Official Member of Government, he has no wax.

We have seen him here under very trying circumstances. There were times when my heart bled for this goodly gentleman, but he bore it all with the trust and the knowledge that only a man bred (as the First Elected Member for West Bay has said) by good parents, could take it. He has gained the confidence of the financial community and I am happy that I was associated with him in the early days of the starting up of the computerisation of the Government Services, the Insurance Industry and so on.

What I like most about him can be summed up in one word, and that is, his approachability. No matter who the person, it may be an old and a poor constituent, a person who would not dare speak to some of the people that I know, yet, they would have an audience with him, or would have an audience through any representation that was made to him. I shall miss this and some of the poor people that have known his help will also miss it.

I know the constraints of time and because of this I will have to keep my speech to a very minimum, but I look forward to the day when I can call him Tom.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. While I might not be able to record a long association with Mr. Thomas Jefferson, OBE, JP, Leader of Government Business, as a colleague by virtue of the fact that I was one of those newcomers who came here in 1988, my respect and admiration for the gentleman is no less than all those who had much longer tenures of association with him.

I would like to say that I was impressed with his demeanor, with his stateliness, his gentlemanliness, his even-handedness and his encouragement, sometimes silent, but always obvious to people like myself on occasion. And, Madam Speaker, at a time when Caymanians, especially young Caymanians, are becoming conscious of finding peoples in this society whom they can emulate for role models, I would sincerely like to suggest that this man can take his place amongst those whom young Caymanians should seek to emulate.

In closing, I would just like to say, like the poet Henry Wadsworth Longfellow when he penned the lines, "A Psalm of Life" - "Lives of great men all remind us we can make our lives sublime.". The Honourable T. C. Jefferson, OBE., JP, has certainly set a good example for all of us to follow. May he always be guided by the good graces of our Lord and may he and his family enjoy the best of times. I wish him success in his future endeavours and undertakings.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I too would like to pay tribute to the Honourable Thomas C. Jefferson, OBE., JP., Financial Secretary and the First Official Member of Government.



He is a professional, experienced, capable, honest, dedicated Financial Secretary and civil servant who has given the better part of his life to the people of the Cayman Islands as a public servant. He is well qualified. He holds a Master's Degree from George Washington University and a degree from Vanderbilt; both internationally recognised universities.

As was mentioned earlier, he joined the Civil Service in 1971. I joined the Civil Service in 1969, and I was happy to have worked with him during his early days in the Civil Service and in Government. His guidance and assistance to me when he was Principal Secretary for Health, Education and Social Services were of great value and I greatly valued this. He has been the back-bone of the Cayman Islands finances and industry for the past decade. As head of the Civil Service he has been a promoter and supporter of a good, efficient Civil Service. He has helped many Caymanians in high and low positions to progress in the Civil Service. His good guidance has been what has brought the Cayman Islands forward to where we are today. He is highly respected in the private sector, especially in the banking and financial industry locally. Internationally he is also well respected.

I am very sad in one way to see that he will not be with us during future Legislative Assembly meetings, but I believe, Madam Speaker, that his contribution is one that is so well established and accepted that it will be written into the history of these Islands forever. I would like to wish him and his family God's richest blessings and all the best in the future.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Madam Speaker, I too, would like to pay tribute to the Honourable Thomas Jefferson. I will start by saying that whoever follows in the Civil Service in his position will find that they have to do much to do better than what he has done.

I have known him from the time I have been elected to this Honourable House, but for the 10 years that he has actually been in here, it has been a pleasure to work along with him. As previous speakers have said, he is somebody who you can always feel you can approach and discuss matters, regardless of what they may be. Unlike many others, who, when such positions are earned or who, once they are in such positions, tend to forget from whence they have come, this cannot be said about the Honourable Thomas Jefferson. I am certain that everyone in the Cayman Islands today can only speak well of this gentleman.

I have had the opportunity, on more than one occasion, to travel abroad with him. On one such occasion we travelled to London on Government business, and I must say that I was very much impressed by the professional way in which he conducted Government's business. Madam Speaker, I wish for this good gentleman and his family the best of everything in whatever way he may wish to spend his retirement.

**MADAM SPEAKER:**

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, I too, wish to pay tribute to the First Official Member of Government, the Honourable Financial Secretary, Mr. Thomas Jefferson. In 1971 he and I both entered the Civil Service, days apart. I left in 1983, he stayed on and here, in 1992, I happen to be present when he is taking his exit from the Legislative Assembly. I understand that he will also be leaving Government at the end of this month. I have thus had the opportunity of being associated with him as a colleague in the Civil Service, and politically as a Member of the Legislative Assembly.

My knowledge of his work performance during his 21 years in the Civil Service and in this Legislative Assembly, I think has been outstanding. His achievements academically and as a Government Executive leaves a most impressive record. Personally, I have found him to be a likeable person and a good neighbour as in the parable, the person who showed kindness to the one in need. Various milestones of enacted Laws, creation of departments, promotion of people and developments in the Cayman Islands mark his progress through the Cayman Islands Civil Service to this point in time.

At this time I wish for him the very best in any future undertaking and the very best of health and all that is good to his family.

Thank you.

**MADAM SPEAKER:**

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. I would also like to add my words of compliment to the First Official Member on his retirement. On reflection I must say that this gentleman's career and life reads like a fairy tale. As so many other Caymanian men, he started his career at sea. I recall, as a boy, on his first return from sea he brought me a ball. I remember it was a ball. I was probably five, six or seven years old and that was so exciting for me, Madam Speaker.

After some years at sea, this gentleman decided that he wanted to further his education and I am aware of the commitment and sacrifice that it cost him and his family in order to acquire or accomplish these goals. He has a Bachelor's Degree from Vanderbilt, a Master's in Economics from George Washington University, D.C., and he has had an outstanding career as a civil servant and as a Member of this House serving with integrity and distinction. His accomplishments have been many.

He is still young. I think he is only 50 years old, and when I think of that I can only reflect on Alexander the Great, who cried at 33 years old because there were no more worlds to conquer. I am quite sure that Mr. Jefferson will find other areas of service that he can continue to serve in and that

he can continue to benefit and better the people of this country. He can now enjoy his retirement because he has done well in paving the way for this day in that he has trained qualified young Caymanians to take senior positions within his department, including the position of Financial Secretary. That speaks well for this gentleman, Madam Speaker, and I am not saying farewell because I will continue to see him, he is my next door neighbour and I look forward to many years of continued good relationship with this gentleman.

I want to say, Tom, that I wish you and your family all the very best in the future. May God bless you.

**MADAM SPEAKER:**

On this occasion, I too would like to join Honourable Members in paying tribute to the Honourable Financial Secretary, but unlike most of you, I was in the Service from 1945, so when the Honourable Member entered in 1971, I knew him and had known him throughout the years. He has been very helpful to me when I was Clerk of this Legislature and, on returning as Speaker, I have found him even more helpful.

One of the attributes which bears repeating is the fact that in spite of the Honourable Member having reached such great heights in his chosen profession, he has always remained humble. That is a point that is quite a tribute to him. I am sure that many other Caymanians could do no better than following this Honourable gentleman, whom I termed last Friday night at a special dinner, as one of Cayman's finest statesmen. It brings to mind a verse, "The heights of great men reached and kept were not attained by sudden flight, but they, while their companions slept, were toiling upward through the night."

To the Honourable Member I would say thank you, sir, and I wish you many years of God's blessing and happiness in whatever you choose to do. I know that you will be coming by to see all of us. He is not going away, he is going to be here to contribute further to the Cayman Islands.

I will now take the opportunity to ask Mr. Jefferson to say a few words.

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, Honourable Members, your words of appreciation for my contribution to the people of this country are deeply felt. I believe the word commitment can apply not only for the individual's improvement in his knowledge and skills, but also to commitment in terms of dedication to the people of his country, and to assisting and improving the development and standards of living for the betterment of us all. Sacrifices are things that normally come when persons make commitments, and I believe there are many sacrifices still to be made by all of us in order to achieve the greatest good for all residents of these Islands.

I have enjoyed my ten years as a Member of this Honourable House. I have always considered myself as an advisor to all Members of this Honourable House, accepting the fact that collective responsibility causes one to vote in accordance with it. Those are all lessons, Madam Speaker. Those are all commitments as well.

I do hope that in the years to come that the Cayman Islands will climb to even higher heights in terms of development, in terms of standard of living and improvements for all of the people of these Islands. There are not many places in the world that are better than this place we call home. It takes all of us to maintain the atmosphere we wish to prevail in these Islands that we call home. So, let us all put our shoulders to the wheel and do what we know is right for this country and for the people.

Madam Speaker and Honourable Members, Bette and I thank you for your kind words. We want you to know that we will be friends no matter what side of the fence you may be on because I believe that politics deals with subjects which differ in interpretation and view; but at the end of the day decisions having been taken, we are still people and it is those people with the proper commitment to maintaining the social harmony that will cause this country to prevail and maintain the cherished harmony we all have come to expect.

Thank you, very much.

**MADAM SPEAKER:**

I now call upon the Honourable First Official Member to exercise his last duty to this Honourable House by moving the Motion for adjournment.

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, I move the adjournment of this Honourable House until Monday, the 22nd day of June, 1992.

**QUESTION PUT: AGREED**

**AT 5:15 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 22ND JUNE, 1992.**

**MONDAY  
22ND JUNE, 1992  
10:08 AM**

**MADAM SPEAKER:**

Prayers by the Honourable First Official Member.

**PRAYERS**

**HON. J. LEMUEL HURLSTON:**

Let us Pray.

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. At this time we will have the Administration of Oaths to the Honourable Anthony Stafford Smellie, Temporary Second Official Member, and the Honourable George McCarthy, as the Temporary Third Official Member. I would ask these gentlemen to come forward to the Clerk's table.

**ADMINISTRATION OF OATHS OR AFFIRMATIONS**

**OATH OF ALLEGIANCE**

Hon. Anthony S. Smellie

**HON. ANTHONY S. SMELLIE:**

I, Anthony Stafford Smellie, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her heirs and successors, according to law so help me God.

**OATH OF ALLEGIANCE**

Hon. George A. McCarthy, JP

**HON. GEORGE A. McCARTHY:**

I, George Anthony McCarthy, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, Her Heirs and Successors, according to law so help me God.

**MADAM SPEAKER:**

On behalf of the Members of this Legislature it is our pleasure in welcoming these two Honourable gentlemen to the Assembly. I also have an apology from the Honourable Norman Bodden, Member for Tourism, Aviation and Trade. He is off the island on Government business and hopes to be in the House on Thursday morning.

The Honourable Elected Member responsible for Communications Works and Agriculture.

**PRESENTATION OF PAPERS AND REPORTS**

**1991 ANNUAL REPORT OF THE CENTRAL PLANNING AUTHORITY  
AND THE PLANNING DEPARTMENT**

**HON. LINFORD A. PIERSON:**

Thank you, Madam Speaker. In accordance with Standing Order 18, I beg to lay on the Table of this Honourable House the 1991 Annual Report of the Central Planning Authority which is pursuant to Section 42 of the Development and Planning Law, 1977 (Revised).

**MADAM SPEAKER:** So ordered.

**HON. LINFORD A. PIERSON:** Madam Speaker, this is the first Annual Report that has been prepared since 1979. Important changes have occurred in the staffing of the Planning Department with the first Caymanian Director of Planning as a professional Planner assuming responsibilities on October 1991.

The Annual Report details the level of activity of the Central Planning Authority and the Planning Department for 1991. The Report illustrates a strong increase in commercial and industrial development as well as Government sectors. The fact that commercial and industrial figures increased despite the instability of the economy world-wide is a strong indication that the Cayman Islands, one of the world's most important financial centres, has remained in good health which also reflects on the good stewardship of Government.

The Central Planning Authority held 32 meetings for the year of 1991, considering 1,017 applications. Development standards have been strengthened through the adoption of the Standard Building Code. This Code was tabled in the Legislative Assembly in November 1991. The Authority was pleased that the long awaited Cayman Islands Building Code has been accepted as a working document. It is with this document that the Authority can ensure that all development conforms to good environmental and engineering practices and standards.

In addition to the review of current planning matters and associated inspection the major preliminary work has been established for the Development Plan Review in 1992. A policy guideline document for development in Little Cayman was the first on the agenda of the Development Plan Review Committee. The policy guidelines for Little Cayman represent an attempt to preserve and enhance the natural attributes of this beautiful and unique island.

The Central Planning Authority will continue to meet the challenge of the forthcoming years with a pro-active response instead of a reactive response to development by addressing situations before they become entrenched issues.

Madam Speaker, I am both pleased and proud to present this Report.

**MADAM SPEAKER:** Questions to Honourable Members. The Elected Member for East End, Question No. 53.

## **QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 53:** Would the Honourable Member make a statement on the incident which took place on the 16th of May, 1992 on the Public Beach involving nude bathing; who witnessed the incident and who reported the matter; what action was taken by the Police who visited the scene following the report; what were the nationalities of the person who exposed themselves; and was any public officer with the group?

**ANSWER:** The incident in question took place during a barbecue held at the Public Beach on Saturday, 16th of May, 1992, by the Cayman Rugby Football Club for members of the Metropolitan Football Club from London, England, who were visiting the Cayman Islands.

At about 3:40 p.m., members of the visiting team were in the sea directly opposite the cabana where the barbecue was being held. There was a certain amount of high spirited sky-larking during which one of the team had his swimming shorts pulled off in the water by his companions who proceeded to put the shorts on the roof of the cabana. The victim of this rather childish prank was eventually obliged to run up the beach from the sea to the cabana without any clothes on to recover the shorts. It is not believed that anyone other than a few people at the Rugby party witnessed this first incident.

About 20 minutes later the prank was repeated with another victim having his shorts pulled off. On this occasion the young man managed to cover himself by holding a volleyball in front of himself as he came out of the sea and retrieved his shorts from the cabana.

At this time a church group had gathered at an adjacent cabana and it is understood that some of these people witnessed the second incident. It is also believed that a gentleman who was with the church group came across and made a complaint to members of the Rugby group. Another member of the church group came and spoke to the Deputy Commissioner of Police, who was at the barbecue, but did not witness, nor was aware, up to this point, of the incidents.

The Deputy Commissioner immediately spoke to the Chief Superintendent of the Metropolitan Police Rugby Team who, in turn, at once spoke to the members of his team and warned them severely about their behaviour. They were told to desist. The warning was accepted and there

were no further episodes. An apology was offered to the church group.

Some 20 minutes later, two police constables from Central Police Station arrived at the Public Beach, having been summoned by an unknown complainant. The Deputy Commissioner, in the presence of the Chief Superintendent from the Metropolitan Police, spoke to these officers and explained what had occurred and informed them that the persons responsible had been warned about their conduct and there had been no further incidents.

In view of the fact that strong warnings had been given to the persons responsible, which had been accepted, and an apology had been given to the church group, it was agreed that no further action was necessary.

The two persons involved, who were not identified by name, were both members of the Metropolitan Police Rugby Team. Their nationalities are British. No local persons or residents were involved. The visitors left the Island on their way home via the United States the following morning.

**SUPPLEMENTARY:**

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say what would have been done if an individual was found nude in a public place, other than members of this rugby team? I am asking what steps would have been taken by law?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the Penal Code makes provision, I am confident, for conduct, including exposing one's self; that would be the provision invoked if a person knowingly committed such an offence.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us the length of time over which this incident took place?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the answer says that it occurred over the space of about 20 minutes.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member would say whether or not it is correct that absolutely nothing was done until the church group, which was on the beach, complained bitterly about the incident?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, my understanding is that it was not known to anyone in authority prior to the church group's complaining, so nothing could have been done.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, am I to understand then that the Deputy Commissioner is nobody in authority?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the answer also states that up to the point of the first incident, the Deputy Commissioner was not aware of what had occurred.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say if the audience that witnessed this show included any females and children or was the audience all male like the cast?

**HON. J. LEMUEL HURLSTON:** I do not think I can answer that question categorically. I believe it was an adult group and I believe it consisted primarily of male rugby football players, but beyond that I could not say categorically.

**MADAM SPEAKER:** The next question is No. 54 standing in the name of the Elected Member for East End.

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

**NO. 54:** Would the Honourable Member state how many cases of hard-drugs (cocaine or marijuana) were reported as being used by inmates during the time they were serving sentence at Northward Prison over the last six months?

**ANSWER:** As a result of information and directed searching, four separate small quantities of marijuana were recovered during the last six months from common association areas within the prison. The authorities were unable to identify any particular prisoner with any of these discoveries.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say whether any investigations have been carried out to find out the channels by which hard drugs are entering the prison?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, formal enquiries have been conducted, formal investigations have been carried out and in every instance there is an effort made to determine the origin and source of such activity. One only has to visit the prison to appreciate, however, Madam Speaker, that it is not difficult to attach an item, particularly an item as light as a packet of cigarettes, to an object such as a stone or a rock and to simply throw it over the fence.

The incidents referred to in this question, occurred in common association areas, meaning football playing fields, open areas where prisoners congregate and exercise, etcetera. These are the areas usually adjacent to fences and therefore it is conceivable that these items are simply being deposited by being thrown over the fence.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us by whom are these investigations done? Whether by members of the Prison staff, or individuals are brought in and have the inmates been questioned to find out their source of supply?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the enquiry or investigation is dependent upon the particular circumstances. If the authorities have reason to believe that a criminal offence has been committed, that incident is reported immediately to the Royal Cayman Islands Police for investigation. If something is discovered during the course of a regular search and no one in particular can be suspected, it is up to the authorities to decide in such a marginal case as to whether there is any merit in involving formal investigations.

In all instances where it is possible to track and to seek to obtain additional information as to the source or origin, those necessary enquiries are always conducted.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, as a follow-up to a question prior to this one, I wonder if the Member could tell us what steps have been taken to ensure that even in the areas, as mentioned by himself, the areas where inmates play, that the proper security is around the Prison that we may stamp this problem out?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I believe the opposite is true, and that is that security is so adequate that these small quantities are discovered very shortly after they are deposited. If the security arrangements were not adequate these small quantities would never be discovered and therefore would not be known about.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say how these four instances in the last six months compare with the previous six months? Is this an increase or not?

**HON. J. LEMUEL HURLSTON:** I am sorry, Madam Speaker, I do not have the statistics for the comparable earlier period. My understanding from the authorities is that the incidence continue to be negligible and I have to take it, therefore, that this is not an unusual quantity within that period.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say then, since I notice that he commented on finding the drug after it was deposited inside, what steps are taken to prevent the drugs being thrown in? In other words, has the security around the perimeters been looked after?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker. There are plans to improve and limit public access around the perimeter fence as well as to improve the security of the fence itself in certain areas.

When this is all complete, public access to the fence and the perimeter will be severely restricted and will be difficult indeed.

**MADAM SPEAKER:** The next question is No. 55, standing in the name of the Elected Member for East End.

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

**NO. 55:** Would the Honourable Member say whether or not it is correct that an officer, supposedly on duty at the Government House, could not be found for some 15 to 30 minutes; how and by whom was this reported; and what action was taken?

**ANSWER:** There is no record of such an occurrence happening at Government House and no police officers have any knowledge of such an incident.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. So, to put it beyond a shadow of doubt, no such incident has ever occurred?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I can only reiterate that there is no record and there is no knowledge within the Royal Cayman Islands Police Force of this incident occurring.

**MADAM SPEAKER:** The next Question, No. 56, stands 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. 56:** Would the Honourable Member say why he did not seek the Caymanian public's approval prior to changing the names of the Cayman Islands High and Middle Schools?

**ANSWER:** With the introduction of a second High School in George Town as part of the Five Year Education Plan, it became necessary for administrative purposes to rename the two schools. The decision to name them after the Reverend John Gray and the Reverend George Hicks was made by the Executive Council on the recommendation of my Portfolio. Much thought was put into this matter.

The Portfolio had considered putting it out to a competition but time did not permit this, as policies and strategies are being developed for changes in the Education system due to take place in the September 1992 term.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say whether he has received a petition of objections from some Members of the community?

**HON. BENSON O. EBANKS:** No, Madam Speaker. I have not received a petition, but I am aware of it. I received a letter by two of the persons who, I understand, started the petition and in that letter it was indicated that a petition was going around, or had been received by them, but before delivering it they wanted to put certain things to me and a meeting was arranged with these two parties. To my knowledge, the petition has never been handed into the Portfolio.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member would care to tell the House if, in consideration of changing the names of the schools, any thought was given to naming one of them in honour of a Caymanian who had served in the teaching profession?

**HON. BENSON O. EBANKS:** Madam Speaker, the news release that informed the public of this name selection stated that it was considered that the Reverend Hicks and the Reverend Gray were the two pioneers in secondary education and for that reason the Secondary Schools were named after them.

The same release stated that consideration had been given to acknowledging and honouring Caymanians who had served in the teaching profession and that it was considered that the third High School to be built in Bodden Town, and the Primary Schools, one of which only has been named, would be used to honour Caymanians since the efforts of Caymanians were concentrated mainly in the primary education field.

- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Madam Speaker, will the Member tell us how much time he needed to arrive at the new names?
- HON. BENSON O. EBANKS:** I am not sure how much time was spent on it, Madam Speaker, but it certainly was well thought out.
- MADAM SPEAKER:** The next Question is No. 57, 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. 57:** Would the Honourable Member say how many teachers left the Computer Studies Department at the John Gray High School (Cayman Islands High School) since September of 1991?
- ANSWER:** Since September, 1991, two teachers left the Computer Studies Department of the Cayman Islands High School.

**SUPPLEMENTARIES:**

- MADAM SPEAKER:** Supplementary, the First Elected Member for Bodden Town.
- MR. ROY BODDEN:** I wonder if the Honourable Member would care to tell the House if the time of departure of any of these teachers was in that span which could be considered crucial to the preparation of students for their exams?
- HON. BENSON O. EBANKS:** It is my understanding, Madam Speaker, that this teacher did not teach children who were taking any external exams.
- MADAM SPEAKER:** First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker. Would the Member care to tell this Honourable House what seems to be the problem in retaining the services of teachers in the Computer Studies Department?
- HON. BENSON O. EBANKS:** Madam Speaker, the problems started when the holder of the post left in June 1991, after recruitment had been done for the September term that year. In other words, the teacher had indicated his willingness to renew, in fact renewed his contract for that term, but in June left without having given any advance notice.
- In September, a teacher was employed on a supply basis on condition that her qualifications would be submitted. These were never produced and because the teacher was not paid the permanent and pensionable salary, but a supply teacher's salary she left and another gentleman was employed shortly after that and he too left because his qualifications were such that he could not be recommended for a permanent appointment. During the recent teacher recruitment, three teachers have been recruited who have, in addition to other skills, the ability to teach Computer Studies.
- MADAM SPEAKER:** The next Question No. 58, 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. 58:** Would the Honourable Member say how will the course content of the additional year of the primary school relate to the first year of high school?
- ANSWER:** Since March of this year, a team consisting of Education Department curriculum advisors, teachers drawn from all Primary Schools, the Cayman Islands Middle School and the Cayman Islands High School, have been meeting on a regular basis to develop a curriculum for the additional year of the Primary School to be known as year six.



At the initial meeting of the team developing the year six core curriculum they agreed on educational objectives for this curriculum which state: "The primary education objectives for the year six core curriculum are to develop concepts, skills and attitudes which provide the foundation for learning at the next level (meaning the Secondary level). This includes acquisition of basic competencies in numeracy, literacy and communication, development of logical, critical, creative and investigative thinking skills, problem solving skills, participation in individual and cooperative learning activities."

It is expected that the hierarchy of skills begun at Primary level would be further developed and utilised throughout the High School in order to allow children to perform effectively at their year 12 examinations and thereafter.

**SUPPLEMENTARIES:****MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Member could say if this course will be able to be implemented effectively at the beginning of the new school year in September?

**HON. BENSON O. EBANKS:**

Yes, Madam Speaker, it is my understanding that it will be.

**MADAM SPEAKER:**

Supplementary, the First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Member could say if there were any design and test experiments on a limited basis with some of the children who will be sitting under this course curriculum so that the rough spots could be ironed out prior to its inception in September?

**HON. BENSON O. EBANKS:**

Not to my knowledge, Madam Speaker. I can state that there was a work shop which included many of the Primary, Middle and High School teachers - much more than are actually involved in the curriculum writing. But they were at a work shop where ideas were formulated.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Member if there are any plans prior to the implementation of this curriculum for any design tests on students who will be schooled under this curriculum so that the teachers and the administrators can ascertain any adjustments which may be necessary prior to the beginning of the school year?

**HON. BENSON O. EBANKS:**

No, Madam Speaker, not to my knowledge.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

decision and the policy were made in relation to this extra year and some time after the objectives for the curriculum were developed?

**HON. BENSON O. EBANKS:**

If I understand the question correctly, he is asking which was made first, the decision for the extra year or the curriculum? The extra year was decided a long time ago. The date of implementation was made some time early this year and the curriculum is being developed. It is my understanding that it will be adequately catered to.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

no trial testing of these matters which they plan to deal with. Can the Member say if the reason for not administering these tests is because there is not sufficient time?

**HON. BENSON O. EBANKS:**

Madam Speaker, to the best of my knowledge no tests of the nature being spoken of have been administered in our school system at the introduction of any particular curriculum. Certainly the intention is to adjust as one goes along. I have no knowledge of children being tested on any particular curriculum before it was introduced.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Member, what provisions are made for the continued monitoring of this new curriculum?

**HON. BENSON O. EBANKS:** Madam Speaker, the Honourable Member will know that the plan is to develop and introduce a national curriculum. It is thought that this particular year will give a good opportunity to, shall I say, break ground on that and it will be integrated into the rest of the curriculum over time. The Member would also know that in the Plan there is provision for continuous testing and evaluation throughout, contrary to what is done at the moment, and that will be applied to this curriculum as well as others.

**MADAM SPEAKER:** The next Question is No. 59, 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. 59:** Would the Honourable Member say: (a) what is the estimated cost of the work being carried out on the boat ramp at the Lobster Pot; and (b) who are the contractors?

**ANSWER:** (a) The estimated cost of the work being carried out at the Lobster Pot boat ramp, namely the reconstruction of the underwater section of the ramp and the paving of the parking lot is estimated to cost \$31,000.00 and \$27,000.00 respectively, totalling \$58,000.00

(b) The work to the launching ramp is being carried out by Public Works direct labour as is the base work to the parking lot. The hot-mix to the carpark is being carried out under contract by Island Paving Limited. The excavation work was done by Private Equipment, hired by Public Works Department.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say if this cost includes the cost of any environmental study that was done with regard to the removal of marl or fill from the sea bed or was no study done?

**HON. LINFORD A. PIERSON:** This cost, Madam Speaker, includes the points raised in the substantive answer. No specific study was done in this area.

**MADAM SPEAKER:** If there is no further supplementary, the next Question is No. 60, 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. 60:** Can the Honourable Member state whether land has been purchased for the boat ramp in Bodden Town, and can he give the expected date for the completion of the project?

**ANSWER:** The land known as Bodden Town Block 44B, Parcel 25, was purchased for a boat ramp/public beach for the amount of US\$150,000.00 and registered in the Crown on April 14, 1992. No money was provided in the 1992 Budget for the construction of a boat ramp. Subject to funding approval we estimate three months for design and planning approvals and a further two months for mobilisation and construction of launching ramp and car parking facility.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, may I ask the Member if his answer is saying that the boat ramp will not be built this year?

**HON. LINFORD A. PIERSON:** Madam Speaker, my answer stated that no provision was made in the 1992 Budget for the building of the boat ramp.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Would the Honourable Member say why it takes an estimated three months for design planning approvals and two months for mobilisation and construction of something like a launching ramp and carpark facility? Why so long?

**HON. LINFORD A. PIERSON:** Madam Speaker, I can only say that I take this technical advice

from my Public Works Department. I have no specific other knowledge than that.

**MADAM SPEAKER:**  
Elected Member for George Town.

The next Question is No. 61, standing in the name of the Third

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

**NO. 61:** Would the Honourable Member state the cost of the Cayman Islands Water Authority contract for the pipeline works to the Eastern Districts now being carried out, stating whether the contract was put out to bids and what were the respective amounts of the bids?

**ANSWER:** The cost of the extension of the water supply from Spotts/Newlands to Pease Bay is estimated to be \$8.5 million. The extension did not go out to bid, therefore, I am unable to provide any bid amounts. The Board of the Water Authority provided its existing contractors with a contractual extension to their existing contracts which were awarded in 1987 after full compliance with the requirements and approval of the Caribbean Development Bank and the Government's Financial and Stores Regulations.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** You referred to the Government's Financial and Stores Regulations. Normally all Government contracts over \$100,000 or \$250,000 at Public Works have to go out to bids and go to Public Tenders Committee. How then did you comply with this?

**HON. LINFORD A. PIERSON:** Madam Speaker, this was used as a guide. As the Honourable Member knows the Water Authority is an Authority which is a quasi-Government Department and not exactly treated in similar terms as a Government Department.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member say how the Financial and Stores Regulations were used as a guide, as they obviously say that bids must be made public and it must go back to a Central Tenders Committee, if the Water Authority has had no bids and has not had a Central Tenders Committee make a decision?

**HON. LINFORD A. PIERSON:** Madam Speaker, under the Government Regulations in question, it is quite proper to extend a contract that has been let in accordance with proper procedures provided that the executing agency is satisfied with the performance of the contractor. The Auditor General offered this advice prior to the Water Authority making its decision. It is not an unusual practice to extend contracts.

This particular contract has been extended on several occasions in the past under the previous Government. There are many such examples of other contractor extensions. For example, the contract for the rehabilitation work on the runway has been recently extended by a large amount. The Water Authority was confident that going to re-bid would not reduce the cost of the work, in fact, the common view was that it is unlikely that a better price would be obtained from any contractor including the present one.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** This extension, as I understand it, was for \$8.5 million. Is that the largest extension that was made? Secondly, how can the Water Authority know that it would not have gotten better bids if it did not go out for bids?

**HON. LINFORD A. PIERSON:** Madam Speaker, on the first part of the Member's supplementary, as to whether the \$8.5 million was the largest extension, I would provide the Member and the Honourable House with the following information which may be helpful.

The water supply extension from Spotts/Newlands to Pease Bay is in three phases. Phase I, which includes trenching, pipe-laying, rock excavation and road re-instatement from Spotts/Newlands to Savannah Meadows cost \$3,012,000. In Phase II, which is the trenching, pipe-laying, rock excavation, road re-instatement and pumping station, from Savannah to Northward, is estimated to cost \$2,356,000. The third Phase, which is the trenching, pipe-laying, rock excavation, road re-instatement and a 1 million gallon reservoir from Bodden Town to Midland Acres is estimated to cost \$3,166,000 for a total cost of \$8,534,000.

As regards the second part of the Honourable Member's supplementary, the demand for the water supply extension has resulted in there being little to no time to enter into a re-tender situation for any extension of the Water Supply works. To carry out such an exercise would have

delayed the project by nine to 12 months.

The Water Authority was unanimous in satisfaction with the work, cost and excellent service provided by the contractors. This experience has been far different than that which other large contracts it has let, where major contractual disputes arose.

11:00 A.M.

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

**MADAM SPEAKER:** It is now 11 o'clock. The Chair will accept a motion for suspension of Standing Orders 23(7) & (8).

**HON. J. LEMUJEL HURLSTON:** Madam Speaker, if it is the wish of the House, I would move the suspension of Standing Orders 23(7) & (8), in order to complete questions.

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

**MADAM SPEAKER:** Are there further supplementaries? The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, I would like to ask the Member how the price per mile on this large contract compares with the price per mile for works done by other companies, or by the Government, in other areas of the Island?

**HON. LINFORD A. PIERSON:** Madam Speaker, this information being sought by the Honourable Member is provided under Question No. 62 which is the next question.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us to what extent has the contract been completed and whether the department is satisfied it will be completed within the contracted amount, and if he could also enlighten us to the fact if the same contractor will be used to reduce the estimates for water works eastward?

**HON. LINFORD A. PIERSON:** Madam Speaker, it is my understanding that the contract will be completed in the estimated time and at the estimated cost.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN B. McLEAN:** Madam Speaker, I did not get all of my answer. He only answered the first part of my question. If I may?

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** The question said to what extent has the contract been completed and is the department satisfied it will be completed within the contracted amount and will the same contractors be producing the estimate for water works onward to East End?

**HON. LINFORD A. PIERSON:** Madam Speaker, Phase I of the project will be completed on time and at the estimated cost. As regards the second part of that question, an extension of the water works to East End, we have not dealt with that matter yet, so I am unable to answer that question.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. I wonder if the Member can confirm that it is the normal practice for Government authorities not to submit contracts to the Central Tenders Committee?

**HON. LINFORD A. PIERSON:** Madam Speaker, the Statutory Bodies, as I understand it, normally set up their own Tenders Committee to deal with contracts.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member give the House the assurance that between now and the end of the year he will not allow his Statutory Bodies or any department he is responsible for to give out contracts of this magnitude without putting them out to bids?

**HON. LINFORD A. PIERSON:** Madam Speaker, I think the policy decision has been arrived at, that in future in regards to all Statutory Bodies, that contracts will be dealt with through the Central Tenders

Committee.

**MADAM SPEAKER:**  
Elected Member for George Town.

The next Question is No. 62 standing in the name of the Third

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

**NO. 62:** Would the Honourable Member state the cost per mile of the present Cayman Islands Water Authority pipeline contract and how it compares per mile to the pipeline contract of the Cayman Water Company Limited for West Bay?

**ANSWER:** The average cost per mile of laying pipes under the present Water Authority contracts is \$124,246.98. The average cost per mile of laying pipes under the contract that Cayman Water Company has let to the Florida based company of Kimmins Incorporated, is thought to be \$121,962.22. However, these values are fairly meaningless when used as a tool to compare contracts as any valued comparison must take into account the pipe laying elements of work involved in each contract. The elements of work involved in pipe laying are as follows:

- Provision of materials;
- Excavation;
- Provision and placement of bedding materials;
- Laying and jointing of pipes;
- Provision, placement and compaction of pipe zone material;
- Provision, placement and compaction of back-fill material;
- Removal of excess material; and
- Reinstatement of surfaces.

Obviously, each element of work has a cost and each contract has varying amounts of these elements of work. For example, the Pease Bay extension has over 11 kilometers of 300 mm (12 inch) pipeline included. The West Bay supply has less than one kilometer. The Pease Bay extension also has a far greater quantity of rock excavation. Both of these high cost elements will have the effect of increasing the average cost of pipeline dramatically.

For the information of this Honourable House, I will summarise the quantities of pipe laying work expected to be carried out under the Pease Bay extension and the West Bay water supply projects. They are as follows:

Item	Unit	Pease Bay Extension	West Bay Water Supply
300mm pipeline	linear metre	11,050	558
200mm pipeline	linear metre	6,400	1,634
150mm pipeline	linear metre	8,000	15,702
100mm pipeline	linear metre	16,490	9,388
80mm pipeline	linear metre	18,070	7,670
63mm pipeline	linear metre	26,895	377
rock excavation	cubic metres	25,308	383
hot mix road reinstatement	linear metres	6,685	3,993
chip and spray road reinstatement	linear metres	51,173	18,136
service connection	number	2,500	660
1 million gallon reservoir number 1			0
pumping station number 1			0

costs are made up. Thank you.

That will give the Honourable House an indication of how these

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Supplementary. The Third Elected Member for George Town

**MR. TRUMAN M. BODDEN:**

Notwithstanding the statement made here, private company, Cayman Water Company Limited, its per mile was less than the present Government Water Authority's contract. Did anyone else check costing on this, comparative wise, or otherwise, in relation to Cayman Water Companies contract? What you have stated here, with all of these comparisons, was there any way of finding out anything competitively against this that would have moved the contract up or down, or is this only the Water Authority's decision?

**HON. LINFORD A. PIERSON:** Madam Speaker, in direct answer to the supplementary, the information which I have here was provided by the Water Authority.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. From the information that the Member provided, it appears that Cayman Water Company could have done the job much cheaper. I wonder if the Member would come to the same conclusion?

**HON. LINFORD A. PIERSON:** Madam Speaker, from the information given in the substantive answer, I cannot see how the Member could have arrived at that conclusion, and I cannot give him that assurance or any comfort on the question he is asking. This is specific information and the way that this is compiled is quite specific.

In the case of West Bay, it was mentioned that there is much less, for instance, of excavation of rocks and other problems that are being faced by the Pease Bay extension, so these all add up to increasing the cost on the Pease Bay extension. So it is a different situation, we are not comparing apples with apples here, Madam Speaker.

**MADAM SPEAKER:** Supplementary. The Third Elected Member for West Bay

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. The Member mentioned that he did not think it would have been cheaper for the Cayman Water Company to have done this job, but with the exception, Madam Speaker, of two items. That is the 63 millimeter pipe line, no that is not the one, 150 millimeter pipeline, the cost was \$8,000 for Pease Bay, compared to \$15,702 for West Bay and the other one was the . . . I am sorry, Madam Speaker, I thought the information here was in dollars but apparently its meaning is. . . . I am not sure what the position is. Would the Member confirm what it means?

**HON. LINFORD A. PIERSON:** Madam Speaker as read out in the substantive answer, we are referring here to the linear metres and I went on to say, for those of us that perhaps do not understand the metric system, that equates to 3.048 linear feet. So we are not dealing with dollars and cents here. It is just a linear measurement.

**MADAM SPEAKER:** The next question is No. 63 standing in name of Third Elected Member of West Bay.

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

**NO. 63:** Will the Honourable Member give the total number of nursing staff by nationality; say how many students/nurses have been sent on training to qualify as nurses since November 1988; say how many have returned to the Hospital/Clinic Staff; and say how many are presently pursuing their training to qualify?

**ANSWER:** There are 40 registered nurses at the George Town Hospital. The breakdown by nationality is as follows:

Caymanian	7	Jamaican	7
American	4	British	11
Canadian	4	Nicaraguan	4
Trinidadian	2	Nigerian	1

There are 11 midwives:

Caymanian	2	Jamaican	3
Trinidadian	1	St. Lucian	3
British	2		

Of the eight nursing supervisors, seven are Caymanian and one is Canadian.

There are 28 practical nurses:

Caymanian	18	Jamaican	6
Canadian	1	American	1
Nicaraguan	2		

There are three practical nurse midwives, all of which are Jamaican.

In the Public Health Department, there is one nursing supervisor. She is Caymanian.

At the Community Health Level 3, there are six nurses. The breakdown is as follows:

Caymanian	3
British	1
Trinidadian	1
Guyanese	1

At the Community Health Level 2, there are two Caymanian nurses and one British nurse.

At the Community Health Level 1, there are five Caymanians.

At the Faith Hospital, there is one nursing supervisor, who is Caymanian. There are four registered nurses, two Caymanian and two Jamaican. There are two Jamaican midwives, and one Jamaican public health nurse. Of the practical nurses at the Faith Hospital, two are Caymanian and two are Jamaican.

Since November 1988, five students have completed registered nurses training abroad.

Since November 1988, four students have completed practical nurses training on the Island.

Four students are presently pursuing registered nurses training abroad, and this year three students have applied for scholarships to study nursing.

Seven students are currently pursuing practical nurses training on the Island and these will complete their training in August of this year.

In addition, the Health Services Authority and the Portfolio have begun talking to the Community College and the Pan American Health Organisation about mounting a foundation course in health sciences to commence September 1993.

#### SUPPLEMENTARIES:

**MADAM SPEAKER:** Supplementary. The Member for East End.

**MR. JOHN B. McLEAN:** Thank you Madam Speaker. I wonder if the Member could say what incentives are in place to encourage, especially the Caymanians leaving school, to become involved in nursing?

**HON. D. EZZARD MILLER:** Madam Speaker, we have a summer employment programme at the hospital and, in addition, the students who are interested in nursing are encouraged to do their practical nursing training on the Island, during which time they are paid a salary while they are being trained, then they are encouraged to go overseas to complete their training.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Am I to understand then that on completion of whatever is necessary locally, the individual has everything going for them to have a scholarship or whatever they may need to go abroad to finish and become registered nurses?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker. That is those who have the academic requirements to enter a college.

**MADAM SPEAKER:** Third Elected Member for West Bay

**MR. JOHN B. McLEAN:** Thank you Madam Speaker. I wonder if the Member could advise where these students are going abroad for their training? Is it Canada, Jamaica, the United States?

**HON. D. EZZARD MILLER:** Madam Speaker, I do not have that specific information here, but I think it is mostly in the North American market.

**MADAM SPEAKER:** If there are no further supplementaries, the last question is No. 64, 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 HEALTH AND SOCIAL SERVICES

**NO. 64:** Will the Honourable Member say whether there is a planned monthly/quarterly programme for

the collection of large items in West Bay by the Environmental Health Services?

**ANSWER:** Yes, there is a planned program for the collection of large items in all the districts. There is a free biannual pick-up program. Additionally, residents may call in for a daily pick-up service, for large items, the cost of which is \$50.00 per load.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary. The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Madam Speaker, the Member mentioned that there is a free biannual pick up programme in place. Not all residents, Madam Speaker, can afford \$50.00 for the special pick up service. I wonder if the Member could confirm if there are provisions in place to deal with those persons who need the service more frequently, but who cannot afford to pay the \$50.00?

**HON. D. EZZARD MILLER:** Madam Speaker, the Member is aware that there are five different districts on the island and we try to do them each twice a year. With the public information campaign that takes place prior, so that people will collect these large items, doing a biannual is about all that can be accomplished. However, if somebody has large items and they cannot afford to pick them up and it is an environmental trip, I am sure that the Environmental Department will do what they can to accommodate it. Remember, we are talking about what the Environmental Health Department classifies a white goods like refrigerators and washing machines because there is daily pick up in all the districts.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you Madam Speaker. I wonder if the Member could tell us how the inspection of districts are carried out to see that garbage collection is properly carried out and, secondly, to eliminate illegal dumping on roadsides?

**HON. D. EZZARD MILLER:** Madam Speaker, the Environmental Health Department has a series of district officers who are responsible for individual districts and it is their responsibility to monitor the area and see that any areas are cleared up. We do have a problem with people dumping at the roadside. We have conducted public education campaigns but people still seem to do it. We try to clean them up as often as we can.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you Madam Speaker. Am I to understand from the Member that this includes all roads, all areas within the district?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, it is supposed to include the whole district, inland roads, dyke roads and all that exist.

**MADAM SPEAKER:** That concludes Question Time for today and this would be an opportune time to suspend proceedings for fifteen minutes.

**AT 11:28 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:47 A.M.**

**MADAM SPEAKER:** Please be seated. Government Business, Bills, First Readings.

## **GOVERNMENT BUSINESS**

### **BILLS**

#### **FIRST READINGS**

##### **THE BAIL BILL, 1992**

**CLERK:** The Bail Bill, 1992.

**MADAM SPEAKER:** The Bill is deemed to have been read a first time and is set down for Second Reading.

##### **THE MISUSE OF DRUGS (MISCELLANEOUS AMENDMENTS) BILL, 1992**

**CLERK:** The Misuse of Drugs (Miscellaneous Amendments) Bill, 1992.



**MADAM SPEAKER:**  
for Second Reading.

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

### THE JUVENILES (AMENDMENT) BILL, 1992

**CLERK:** The Juveniles (Amendment) Bill, 1992.

**MADAM SPEAKER:** The Bill is accordingly set down for Second Reading.

### SECOND READINGS

#### THE BAIL BILL, 1992

**CLERK:** The Bail Bill, 1992.

**HON. ANTHONY SMELLIE:**

Madam Speaker, I beg to move the Second Reading of a Bill for a law providing for the grant of bail in criminal proceedings. Madam Speaker, the significance of the Bill is such that I think I should begin by referring to the circumstances which led to its introduction before this Honourable House.

On the 27th of December, 1991, this Honourable House unanimously passed Private Member's Motion No. 20/91 as amended. That motion, in part, resolved that the Government should introduce a law similar to the Bail Act, 1976, of the United Kingdom which Act sets out the rights of an accused person to bail.

This Bill is in response to that motion. In the debate on that motion the concern was expressed that there was no comprehensive law in these Islands dealing with the right to bail. It was thought essential that persons accused before the Courts should be availed of a comprehensive statute which sets out their entitlement to bail, pending trial, and which would serve as a clear guide to the Courts as to the relevant factors for consideration upon an application for bail.

As the law presently stands, the Police are also responsible for the grant of bail to persons in their custody and those responsibilities were also to be addressed. This Bill, as stated in its Memorandum of Objects and Reasons, would seek to address those concerns by codifying in a single law, in hopefully direct and straightforward terms, the present law, both as it exists, a common law, and in various statutory provisions.

Beyond simply codifying the common law, the Bill also embodies some important new provisions. In particular, it would provide that people who have been accused of offences but not convicted, must be granted bail unless the Court or Police Officer considering the question is satisfied that they are unlikely to surrender to bail or likely to commit further offences or likely to interfere with witnesses. In other words, it creates a presumption in favour of bail. That presumption is embodied in Part 3 of the Bill. It is a presumption which the Bill contemplates will be faithfully observed unless rebutted by strong circumstances to the contrary.

Clauses 5 through 8 of the Bill seek to codify important principles in that it would provide that persons who are entitled to bail and are to be granted bail should not have unreasonable conditions or requirements imposed upon the grant of bail. Clauses 5 and 6 would provide that a person to be admitted to bail may, however, be required, if it appears that he is unlikely otherwise to surrender to custody, to provide a recognisance or security or have someone stand surety for him.

Clause 9 would provide that when a police officer or the Summary Court makes a decision in respect of bail, that decision must be recorded and, where that decision is adverse to an accused person, reasons for the decision must be given. Clause 10 is also new in providing that any person who is refused bail and is unrepresented by an attorney must be advised of any other right that he might have to apply for bail.

Clause 16 seeks to codify the principle that a court which has once refused a person bail in criminal proceedings is obliged at each subsequent hearing in those proceedings, before conviction and sentence, to consider whether the person ought to be granted bail.

Madam Speaker, in describing the Bill as one for a law that would largely codify the existing common law and practice, I am happy to observe, as was my predecessor before me, upon the debate of Motion 20/91, that the principles it would embody are already closely followed and applied by the Courts in these Islands. These principles have been adopted and recorded in the written judgments of the Grand Court for many a year. It follows then, as I stated at the beginning, that perhaps the real primary importance of this Bill would be to provide a comprehensive reference as to what the principles are and to dispel any uncertainties in that regard. The principles would be found in the proposed Law. Accordingly the Bill in clause 4 provides that any decision whether or not to grant bail in criminal proceedings must be taken in accordance with the proposed law.

Along with the right to bail, must be the responsibilities of bail and, in that regard as well, the Bill seeks to codify existing principles. It also seeks to create important new provisions. In clause 11 it seeks to provide that a Court may order the forfeiture of recognisance or security given for bail, whether given by the accused person or on his behalf, with the novel introduction in sub-clause (2) of a grace period before the order of forfeiture will take effect. That grace period would allow for applications to be made to revoke the order of forfeiture for good cause shown.

In the same vein, in setting out the responsibilities of bail, the Bill in clause 12 would seek to make it an offence, punishable by a fine not exceeding \$5,000 or imprisonment not

exceeding 12 months or both for a person who has been released on bail to fail without reasonable cause to surrender to custody in accordance with the terms of his bail.

Clauses 13 and 14 are compulsive in that they would provide power to ensure compliance, power by which the court could issue a warrant for the arrest of a person who fails to answer to his bail and to a Police Officer to arrest a person on bail whom he has reasonable grounds for believing is unlikely to fulfill the terms of his bail or is likely to abscond. In such a case the Police Officer arresting such a person must bring him, as soon as practicable, before a Court or another officer responsible for granting bail.

Clause 15 seeks to create an important new offence intended to prevent the abuse of bail. It would make it an offence for an accused person to agree to indemnify a person standing surety for him against any liability that person might incur as such a surety. This provision would prevent an accused person from, in effect, becoming his own surety and thus preserving the objective of having an independent person genuinely responsible for ensuring that the accused person turns up for his trial and observes other conditions of bail. Thus the Bill would seek to achieve its stated objectives. It is based closely on the provisions of the United Kingdom Bail Act, 1976, and should benefit particularly in its introductory usage from the judicial pronouncements in that country so far made upon the 1976 Act.

Those pronouncements should serve as a further guide to its interpretation and manner of application. There are some particular differences which are believed to be of importance in recognising the needs, objectives and advantages of local conditions. For instance, the general right to bail, which is stated in Part 3 of the Bill, would apply to all categories of arrestable offences. It has been left primarily for the courts to decide whether, on account of the seriousness of a particular offence, bail should not be granted. In a larger more populous country, such as the United Kingdom, it is more difficult to assess the risks involved in admitting to bail a person charged with an offence such as murder. The United Kingdom Act, 1976, therefore excludes murder from among offences for which there is a presumption of the right to bail.

In this jurisdiction the practice, which has worked well over the years, has been to allow the exercise of the discretion on a case by case basis whether or not bail should be granted. The practice has evolved that only in exceptional circumstances would bail be granted where a charge of murder has been properly brought. The Bill would not, and would not be intended to, change that. A further difference that would recognise local conditions is the absence of a mandatory requirement that all persons charged with offences involving homicide should undergo psychiatric evaluation before bail might be granted or is a condition of bail. In that regard, the philosophy behind the Bill is that the Courts in these Islands are well placed to determine whether or not such a condition should be a requirement of bail in a particular case. There appears no need to make it a mandatory requirement even in a serious case.

The format or lay-out of the Bill is also different from the 1976 United Kingdom Act. Various important provisions contained in the Schedule of the 1976 Act, have been adapted and moved up into the body of the proposed Law. This is in keeping with the intention to codify and simply the Law.

A draft of the Bill has been circulated to the Judiciary and to the two local legal professional associations. This was done on the 31st of March, 1992. The Judiciary has certain concerns which were resolved in discussions with them. The primary concerns of the Judiciary were addressed and implemented in the Bill. Finally, there are some procedural matters and consequential amendments contemplated by the Bill.

Clause 21 provides that the Courts, through its rule-making Committees, might prescribe such rules as are necessary for the implementation of the proposed law. This would include such matters as rules for recording of decisions and reasons for the refusal of bail. A record, which, as we have seen, must be provided to an accused person as envisaged by clause 9. Clause 22 provides that persons already granted bail at the time the proposed law comes into effect would not be affected.

In the Schedule to the Bill there are consequential amendments set out intended to apply provisions which relate to bail in other laws. Those other laws are the Police Law, the Juveniles Law, the Criminal Procedure Code, and the Court of Appeals Law. Most significantly, those amendments would be intended to make it clear that when, in the future, bail is granted in criminal proceedings, it must be granted in accordance with the proposed law. Also significant, the amendments would preserve the ability of an accused person to apply to the Grand Court for bail at any time or any stage in any criminal proceedings notwithstanding he has been refused bail on other occasions.

Accordingly, I commend a Bill to this Honourable House.

**MADAM SPEAKER:**

The question, as proposed by the Honourable Temporary Second Official Member is that the Bail Bill, 1992, be given a Second Reading. The question is open for debate. The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, in December of last year, I moved a resolution asking for a law similar to that in the United Kingdom which would set down the rights of individuals when it comes to bail. There are some sections which I believe we can get some more information about during the course of the Committee Stage. In this Bill certain provisions are imposed on police officers on duty, in my opinion, to make certain judicial decision as is contained in Section 14(2) which requires a person to be brought before the police officer who granted bail.

I believe that there should be a specific time limit as to how long a person may be kept before he or she is brought before the Court. If this is not included, then one of the paramount reasons for the law is being dangerously overlooked. There is no doubt in my mind that the law is needed and, in fact, I am very pleased that the Government, after six months, has seen fit to bring the Bill. They,

themselves, must have seen the urgency for such a piece of legislation.

As I said in opening, there are some other questions which I believe can be addressed at Committee Stage and at this point the Government has my support for the Bill.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I support this Bill in principle. I have some comments, however, to make in relation to some of the sections of it. I will have to deal with the white copy because, unfortunately, I have not had an opportunity of going through the green copy, which was only provided this morning. I will be dealing with the white copy of this and the next two laws.

It is, I think, very good that we are finally seeing a statute come out to deal specifically with bail. Bail, under the system of justice that we have, is a person's very important right because it basically takes away his liberty many times before he is actually convicted of an offence - I should say it *may* take it away before there is a conviction. It is, therefore, important that we are now finding that what was originally practised and common law with bits and pieces that had existed over the years is now basically being codified.

The first area that I would like to comment on deals with Section 9 and the subsequent sections including Section 10. I think that it would be good, perhaps, if we understand that the recording of the decisions of the police officers would be in writing. I think that is assumed but, perhaps specifically, if not now, at another time when we are looking at amendments to it that we could state, for example, in sub-section (2) of section 9 that the police officer must make a written record of the decision. There are a few places that arises in relation to reasons given as well - I think another area was under Section 12(4). I know the Court would definitely make a written record and I would assume the police would in any event. So if that is the practice, I think it would have been good to put it in.

In relation to section 12, while I am not uncomfortable with the wording of it, it seems to have been a negative approach. It says that "a person released on bail in criminal proceedings must not fail without reasonable cause to appear." Perhaps in the future the Draftsman, I appreciate this would not be the Honourable Acting Attorney General, may perhaps put that in a more positive form to say, "a person released on bail who fails without reasonable excuse to surrender to custody." I think it works the way it is, it is just, perhaps, different drafting. I think we have a new draftsman there at present.

Another area that I would raise in the area of argument is in relation to Section 14. It seems to me that on principle you are getting general grounds set out or general rights to bail yet you have a police officer, in certain circumstances, who seems to be exercising subjective rights which could interfere with the general right. I assume that this was what was meant and in 1(c) there is perhaps a clerical error with a couple of lines left out.

Basically what this says is that a police officer may arrest a person on bail in criminal proceedings without warrant - "(a) if the officer has reasonable grounds to believe that the person is not likely to surrender to custody; or (b) if the officer has reasonable grounds to believe that the person - (i) is likely to break a condition of his or her bail; or (ii) has broken," [I have no problem with the "or has broken"] and in (c) it goes on to say, "if a surety notifies the officer that the person is unlikely to surrender to custody and for that reason wishes to be relieved of his obligations as surety." The indemnity in relation to the surety that is set out in Section 15 I think is good. It was formerly areas of vague common law.

The general right to bail together with the following sections appear in Section 19 onwards and these give the general right to bail which is, in fact, one of the underlying and very important principles of the English system of law that we have. There it sets out perhaps some of the more important two sections. It also sets out the principles upon which matters must be taken into account. Basically I have no problem in relation to the matter of cases of murder as the Temporary Second Official Member has dealt with. Even though I know it had normally been the practice in the past to not grant bail there, and perhaps that will be substantially followed, I would think, in the majority of cases.

I noticed on a quick glance through of the English Bail Act, 1976, there are certain Rights of Appeal, and I appreciate that you can go straight to the Grand Court in any event. But I am wondering whether it, perhaps, may not have been good, not necessarily in this Bill, but maybe at a later stage, to have actually put in Rights of Appeal and where to in relation to this. I notice also that the English Act dealt with legal aid which surely must be a very important matter relating to bail here as well. While that, I know, is dealt with under a different law, perhaps consequential amendments could be made in due course to make sure that a person who needed representation could have it in relation to this.

I noticed that mainly within the last year or two amendments to other laws are being made in a law that is totally unrelated to it. While I know from the point of view of bringing one law, this actually is convenient, sometimes it can create problems finding what amendments there are to specific laws if the amendments are not attached to them. In other words, if you pick up, for example, a copy of the Police Law from the Legislative Assembly and its amended by the Bail Law that we are dealing with, it may well be that there may be an oversight, especially for people who come here who are perhaps new to the law.

On one of these amendments, which is the amendment to the Police Law, Section 34, in the new section numbered (3D) it says:

"3(D) If an officer has granted bail to a person subject to a duty to appear at a police station, that officer may give written notice to the person that his attendance at the police station is not required."

It goes on in (3E) to say:

"(3E) If a person arrested for an offence who was released on bail subject to duty to attend at a police station so attends, he may be detained without charge in connection with that offence only if the officer who granted bail has reasonable grounds for believing that the person's detentions is necessary-

- (a) to secure or preserve evidence relating to the offence; or
- (b) to obtain such evidence by questioning him."

This, I know, was originally a section that was brought in some years ago in the Police Law or something similar to this which had originally been intended to deal with people who may be fleeing the country and criminal evidence was very important. However, I know it had been used in relation to persons locally who obviously had everything here and had no reason to actually flee the country. It is a very wide power, it appears, and I would hope that it will be balanced against the right of the accused not to incriminate himself, because if somebody is detained without any charges for periods of time and subjected to questioning, I think that could be an open area that could be abused and seems to me to be objectionable in those circumstances.

I know there would be instances when it is necessary. The other aspect is that I would have hoped maybe we could have put some type of time limit on this so that if there was an arrest, rather than having to go on a *habeas corpus* writ to release a person, some time could have been put in or it could have been stated that the person would be taken before a court to justify the reasons that he is being detained without charge.

In fact, I believe this section is probably somewhat less harsh than the earlier section that was in the Law but it still is one that I think needs to be looked at carefully. If it is left in, perhaps we could have specific directives from the Commissioner of Police, or at least regulations made, to curb the period of time when a person is not charged. Beyond that, I have no further comments. I think that it is good to have such an important Law come before this House. From time to time amendments will have to be made if we find that areas of it may not be working fully. Actually there is some other (but perhaps longer) provision of the Bail Act of the United Kingdom itself that maybe in the future could be looked at.

I support the Bill, and I commend the Government on following the motion that was brought, and bringing this Bill to the House. Thank you.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, I support the Bill generally, because I know that the matter of bail has been abused in the past. I have heard of many instances where bail had been refused by the police. I know of one instance in particular.

This happened about two years ago, I believe, when I was asked to bail a young man who had been picked up on the week-end. When we arrived at the police station we were told that the man could get no bail because it was Friday or Saturday. It turned out that this young man had been on the police bad books and had been picked up, and I do not believe was even subsequently charged, but was held at the lock-up for two nights without bail. So it is good to see this Bill. I notice one Section in it that worries me a lot, and that is Section 20(d) dealing with the matters that may be taken into account when bail is given to a person. It says:

"20. A court or police officer in order to come to a conclusion for the purpose of section 19 [section 19 is a section that deals with those people who have a general right to bail] may take into consideration (amongst other things)-

- (d) . . .the strength of the evidence of the defendant having committed the offence."

It appears to me that this section is saying that the police officer or the court can decide whether the man is guilty. He can decide right there and then whether there is such an abundance of evidence against the accused person that he is certain that the accused person would be convicted if taken to court, and could be refused bail just because the police officer decides that the strength of the evidence of the defendant having committed the offence is so great that he should not be given bail. I think this section should be removed and the person being considered for bail should not lie in the hands of probably the police that are bringing the prosecution.

If this is done and the public knows that this individual has been refused bail because the evidence is so strong against him, his case could be prejudiced, particularly if it is a case that may be tried in court later on. I believe that section should be removed entirely. Apart from that I support the Bill and would commend the Acting Attorney General for its introduction.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I support the Bill which is presently before us. The Bill does lay out a proper procedure for bail which I do consider is very important. I am most happy to see the Bill before us at this time. I know that over the years I have received complaints from many individuals on the procedure which has been used to bail persons who become involved and I think this will assist

those who have to carry out that procedure in having it done more quickly.

I am also concerned over the fees in clause 12 for that offence seeing that it has also a prison term. I believe that the fee and the term could perhaps be lower. I believe that an individual could be caught under this who might have had every good intention but for some reason something else happens and he falls under this clause under the law. I also have concern over clause 14. I think it places too much on the shoulders of the police officers, and, again, it is my opinion. Perhaps the Member who has so ably presented this Bill in his conclusion or during the committee stage could perhaps elaborate a little more on the clauses which I have mentioned.

In clause 16 (3), again my opinion is that this has somewhat taken away the rights of an individual. I believe that many times when an argument is put for the first time it is not as clearly put until it is heard a second or third time. So it does give an individual a better chance of proving a point and for this reason I find it hard to agree to that clause.

Once again I would like to say I support the Bill and I am most happy to see it before this House at this time.

**MADAM SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. I would like to support the Bill, a Bill for a Law Providing for the Grant of Bail in Criminal Proceedings. I am very familiar with the debate during the motion which called for the introduction of a law to regulate the bail procedure and reasons given at that time why it was felt that it would be a benefit to our society and I would like to congratulate the Government that they have seen fit to bring it before this Honourable House today.

I am glad it is here. I often sympathise with people who go afoul of the law - some not intentionally - and maybe, hopefully, only for one time. It is good that a procedure is set down that they know exactly what terms and conditions bail can be granted, what their rights are and how they can go about getting them. In reading through the different clauses in this, I am impressed to see that there will be provisions to vary the terms of the surety or bail. I think it is in Section 17 the courts power to vary, etcetera, bail conditions.

"A court may-

- (a) impose a condition or a further condition on bail it has granted in criminal proceedings after it has granted such bail; or
- (b) vary or rescind any condition subject to which it has granted bail in criminal proceedings, on the application of
- (c) the person to whom bail was granted; or
- (d) the prosecutor or a police officer.

(2) Section 9 (decision to be recorded and made available) applies in respect of any decision made by a court, other than the Grand Court, under subsection (1)."

Madam Speaker, a lot of times I have heard families who were in problems wondering if there was any way they could get the conditions of the bail varied and now I think this law has made it clear that there is a possibility if it is presented in the proper manner. With these few words, I give this Bill my full support and again congratulate the Honourable Temporary Second Official Member and the Government for bringing this Bill to the House.

**MADAM SPEAKER:**

If there is no further debate I will ask the Honourable Temporary Second Official Member to exercise his right of reply.

**HON. ANTHONY SMELLIE:**

Thank you, Madam Speaker. I would like to thank all Honourable Members for their contribution to the debate on the Bill and for their support of the Bill.

A number of concerns have been raised. Some of them it has been intimated might be properly dealt with at the committee stage. I think perhaps some are of sufficient importance that I should take this opportunity to respond as well as I can. A number of Members raised the concerns as to the intended effect of clause 14. The concern is that it would purport to vest the police officers, in particular, with their judicial discretion. I would comment to Honourable Members another interpretation.

The clause contemplates the police officer being required to act to revoke bail only where there are reasonable grounds for believing that a person is likely to surrender to custody or reasonable grounds for believing that the person is likely to break a condition of his bail or has broken a condition of his bail. It is therefore a prerequisite that those reasonable grounds must first exist. That does not simply contemplate a subjective assessment on behalf of the police officer. It is expected that the officer would have in mind grounds which by any objective assessment would be accepted as reasonable grounds. I should observe that whether or not they are reasonable grounds would be a matter which would be reviewable by a court.

Another concern was raised as to the intended effect of clause (3E) of the Schedule. It reads as follows:

(3E) If a person arrested for an offence who was released on bail subject to a duty to attend at a police station so attends, he may be detained without charge in connection with that offence only if the officer who granted bail has reasonable grounds for believing that the person's detention is necessary-

- (a) to secure or preserve evidence relating to the offence; or
- (b) to obtain such evidence by questioning him."

I anticipate that the intention of that provision is first of all as in the case of clause 14, that reasonable grounds must exist and secondly that it would apply, primarily, if not exclusively, to circumstances where a person released on bail and is required to re-attend at the station has not yet been charged. Nothing in these provisions would be intended to derogate from the Judges Rules. Those Rules govern the circumstances under which a person who has already been charged for an offence might be further detained or questioned in respect of that offence and this is why I venture to say that this provision is intended primarily to relate to circumstances where a person on bail has not yet been charged.

It is an important provision because it provides the police officers investigating a particular matter with the means by which they can obtain further information which might be relevant to the proof of an offence and it does so without prejudice to the right of an accused person to remain silent. I think that is the primary concern that was raised by the Third Elected Member for George Town. It is an important concern, and this is why I have specifically taken this opportunity to address it.

A further concern was raised as regards the intended effect of clause 20(d) of the Bill. I will read those provisions:

"20. A court of police officer in order to come to a conclusion for the purpose of section 19 [section 19 is the provision that will relate to a decision whether or not bail should be granted] may take into consideration [amongst other things]-

- (d) in the case of a person referred to in section 18(a) [person accused but not convicted on an offence] the strength of the evidence of the defendant having committed the offence."

The concern has been raised that this places the police and the court in a position where they must necessarily prejudge the question of innocence or guilt. I venture the view that this is not what is intended and this is not how it would operate in practice. As the Law presently stands, the decision whether or not to admit to bail is taken having regard to those considerations, that is the strength of the evidence available to prove the offence as well as a number of other considerations including those set out at clause 20, (a), (b) and (c).

In practice what happens is that these issues are assessed on the face of what is presented. The prosecution is required when it is an issue in court to outline the nature of the evidence. That is assessed on the face of it, *prima facie*, if you like. Then the court decides having regard to the strength of the allegations whether the prosecution will be in a position to present a tenable case, a strong case and it is in that context that this consideration arises. It does not involve prejudging in any way the question of innocence or guilt.

A particular concern has also been raised as to the intended effect of clause 16 (3). It reads simply; "16 (3) At any subsequent hearing [that is any hearing subsequent to one in which the question of bail has already been heard] the court need not hear an argument it has previously heard." The Honourable Member for East End has raised this concern and I think it is a concern that arises perhaps from the natural interpretation of the words, but again I think I can refer to the practice and to attempt to allay the concerns of the Honourable Member.

Really, in practice, what those words mean is that the court need not hear an argument on the same grounds unless new circumstances have arisen in the meantime. It is intended to prevent the situation of the court having to rehash the same issues over and over. That is all that provision is intended to achieve.

Thank you, Madam Speaker.

**MADAM SPEAKER:**  
second reading.

The question is that a Bill entitled the Bail Bill 1992, be given a

**QUESTION PUT: AGREED.**

**THE BAIL BILL, 1992, GIVEN A SECOND READING.**

**MADAM SPEAKER:**

Proceedings are suspended until 2.15 pm.

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

**HOUSE RESUMED AT 2:21 P.M.**

**MADAM SPEAKER:**

Please be seated. Proceedings are resumed. Second Reading

the Misuse of Drugs (Miscellaneous Amendments) Bill, 1992, the Honourable Acting Attorney General.

### THE MISUSE OF DRUGS (MISCELLANEOUS AMENDMENTS) BILL, 1992

**HON. ANTHONY SMELLIE:**

Thank you, Madam Speaker. I beg to move the Second Reading of a Bill for a Law to Amend the Misuse of Drugs Law (Second Revision). Before proceeding, Madam Speaker, I should, however, point out that there have been printing errors in the green paper. The page containing clause 14 and the beginning of the First Schedule has been duplicated and in the list of drugs listed in the First Schedule the alphabetical sequences have been transposed somewhat. I believe these are matters which can be taken up in the final printing of the Bill. Thank you.

The two primary objectives of this Bill can be stated in broad terms. First it seeks to up-date the list of illegal drugs which are to be controlled by the Law. That list has not been modernised since the Law was originally passed in 1973 and now lags behind acceptable world standards. It needs to be up-dated to ensure that it would take account of new developments in the drug scene. A particular concern has been the advent of the so-called precursor chemicals. Such chemicals would be specifically proscribed in a new Third Schedule to the Law as set out in the Bill.

The 1971 United Nations Convention on Psychotropic Substances was largely concerned with ensuring that Convention countries kept their Misuse of Drugs legislation abreast of such changes in the drug scene. To that end a Commission on Narcotic Drugs was established and that Commission has published up-dated lists of narcotic drugs which the United Nations has continued to recommend to be controlled.

The Bill seeks to meet current standards by the practical expedience of replacing the First Schedule to the Law with a Schedule which follows closely the Schedules of the equivalent United Kingdom Legislation and, as already noted, by adding a Third Schedule to outlaw the manufacture or supply of precursor chemicals. The second broad objective of the Bill is to bring the Misuse of Drugs Law into line with the United Nations Convention against illicit traffic in narcotic drugs and Psychotropic Substances signed in Vienna on the 20th December 1988, for short the Vienna Convention.

The Vienna Convention embodies the current accepted world standards as regard what should be done in the fight against drugs and drug money laundering. It is well known that the Cayman Islands have a declared and uncompromising policy against the abuse and trafficking of drugs. It has been accepted that perhaps the most effective means of deterring the drug trafficker is to deny him the proceeds of his drug trafficking.

It is also important to ensure that the drug trafficker cannot avoid the sanctions of one state simply by taking advantage of the Laws of another. To that end, modern and meaningful legislation was created in these Islands by amendments to the Misuse of Drugs Law in 1988 and 1989. The existing legislative scheme largely complies with the standards set by the Vienna Convention but not in all important and desirable respects. Further amendments as contemplated by this Bill are necessary to ensure full compliance. Such further changes to the Law have already been carried by the United Kingdom by the introduction there of the Criminal Justice International Corporation Act, 1990. In seeking to modernise the Law, in keeping with the Vienna Convention and in keeping with the commitment of the Cayman Islands to those objectives, this Bill quite sensibly adapts the relevant United Kingdom provisions.

I turn now in more detail to some of the more important provisions. By clause 7 an important new offence would be created. It makes it an offence in the Cayman Islands to assist in or induce the commission of an offence under the Laws of another country, where such Laws provide for the control and regulation in that country of the Misuse of Drugs. The international significance of this provision will be apparent as, if in accordance with International Conventions and the committee of nations all signatory countries were to introduce such a provision, the global armament against drugs trafficking will be more complete.

Similarly, there are important new provisions which would apply to ships which would render a person guilty of an offence on board a ship, wherever it may be, if he has controlled drugs in his possession or is knowingly concerned in carrying or concealing controlled drugs on board the ship, which drugs have either been exported or are intended to be imported in contravention of the Misuse of Drugs Law of the Cayman Islands or a similar Law of another state.

In keeping with the Vienna Convention this provision would apply to ships registered in a Convention country as well as to a person committing such an offence on board such a ship wherever it might be. Such a person would be deemed to be guilty of an offence under Cayman Law, and amenable, if arrested in accordance with the powers to be given under the proposed Law. The penalties in that regard are that in the case of hard drugs on summary conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding five years or both. Or on conviction on indictment to a fine without limit or to imprisonment for life or both.

As regards to proceedings for such offence clause 13E would provide as follows and I read from the Bill:

"13E (1) Proceedings under this Law in respect of an offence on a ship are to be taken, and the offence is for all incidental purposes to be treated, as having been committed in the Islands.

(2) Proceedings referred to in subsection (1) cannot be instituted except by or with the consent of the Attorney General.

(3) Without prejudice to subsection (2), proceedings for an offence under section 13C alleged to have been committed outside the landward limits of the territorial sea of the Islands on a ship registered in a Convention state cannot be instituted except in pursuance of the exercise with the authority of the Governor of the powers conferred by the Fourth Schedule."

The effect would be that such offences when committed on a Convention ship outside the territorial limits of the Islands would not be prosecuted here without the consent of the Attorney General, and proceedings cannot be instituted here unless the offence has been detected in accordance with the enforcement powers in respect of ships set out in the Fourth Schedule and where such powers were exercised with the prior approval of the Governor. Where such offences are committed on a ship within the territorial limits of the Islands then proceedings might be instituted but only by or with the consent of the Attorney General.

The Fourth Schedule sets out in very clear terms the powers of enforcement which might be exercised in respect of ships or in respect of persons on board ships who have committed offences against the Law. There would be power to stop, board, divert and detain such ship, to search and obtain information and powers of arrest of suspected persons on board. The Fourth Schedule would also create offences for obstructing an enforcement officer or failing to comply with the reasonable directions of an enforcement officer or for giving false information to an enforcement officer. In that regard the penalty would be a fine not exceeding \$10,000, or up to six months imprisonment in default.

An enforcement officer for those purposes means a Constable or a Customs Officer or any other person of a description specified in an Order made for the purposes of this Schedule by the Governor. I mentioned earlier that the Bill would also seek to control precursor chemicals. Such chemicals are referred to in the Bill as scheduled substances, i.e., as such substances are defined in Schedule 3. There would be an important new offence in respect of them as well. That is as contemplated by clause 4 of the Bill which reads as follows:

"4.(3A)(1) It is an offence for a person-

- (a) to manufacture a scheduled substance; or
- (b) to supply a scheduled substance to another person,

knowing or suspecting that the scheduled substance is to be used in or for the production of a controlled drug contrary to section 3(1)(c)."

That, I think, also identifies what the concern is about such chemicals. It contemplates chemicals which might be used in the production of a controlled drug. The penalties follow in sub-clause (2). There are also further powers which will be given to the governing Council to make regulations for the further control of such substances.

The Bill also contains further important provisions which are intended to deprive the drug trafficker, or those who would assist him, of the proceeds of drug trafficking. In this regard it would serve to strengthen existing provisions. Those important provisions are set out in clause 10 and seek to create four new sections to the Law, that is sections 15A, 15B, 15C and 15D. I will read from these provisions because of their importance. I read clause 10, as it refers to the proposed section 15A.

"15A. (1) A customs officer or constable may seize and, in accordance with this section, detain cash which is being imported into or exported from the Islands if he has reasonable ground for suspecting that it directly or indirectly represents a person's proceeds of drug trafficking or is intended by a person for use in drug trafficking.

(2) Cash seized by virtue of subsection (1) must not be detained for more than forty-eight hours unless its continued detention is authorised by an order made by a Justice of the Peace.

(3) A Justice of the Peace must not make an order under subsection (2) unless he is satisfied-

- (a) that there are reasonable grounds for the suspicion mentioned in subsection (1); and
- (b) that continued detention of the cash is justified while its origin or derivation is further investigated or consideration is given to the institution (whether in the Islands or elsewhere) of criminal proceedings against a person for an offence with which cash is connected.

(4) An order under subsection (2) authorises the continued detention of the cash to which it relates for such period, not exceeding three months, as is specified in the order.

(5) If a magistrate is satisfied as to the matters mentioned in subsection (3) he may from time to time, by order, authorise the further detention of the cash but so that -



- (a) no period of detention in such an order exceeds three months; and
  - (b) the total period of detention does not exceed two years from the date of the order made under subsection (2).
- (6) Any application for an order under subsection (2) or (5) must be made by the Attorney General."

It follows from these provisions, Madam Speaker, that the initial detention of cash in these circumstances would have to be brought to the attention of the Attorney General within 48 hours if it is to be further detained.

" (7) At any time while cash is detained by virtue of this section a magistrate may direct its release if he is satisfied-

- (a) on an application made by the person from whom it was seized or a person by or on whose behalf it was being imported or exported -- that there are no grounds or are no longer any grounds for its detention, as mentioned in subsection (3); or
- (b) on an application made by any other person -- that detention of the cash is not for that or any other reason justified.

(8) At any time while cash is detained by virtue of this section a customs officer or constable may release the cash -

- (a) if he is satisfied that its detention is no longer justified; and
- (b) he is authorised to do so by the justice or magistrate under whose order it is being detained.

(9) If at a time while cash is detained by virtue of this section -

- (a) an application for its forfeiture is made under section 15B; or
- (b) proceedings are instituted (whether in the Islands or elsewhere) against a person for an offence with which the cash is connected, the cash must not be released until any proceedings pursuant to the application or, as the case may be, the proceedings for that offence have been concluded."

The following provisions in the proposed section 15B, 15C and 15D, provide further safeguards as to the procedure for forfeiture and for retaining the integrity of the value of what is seized. These provisions are clearly aimed at a phenomenon which nowadays is almost exclusively peculiar to those engaged in the business of dealing with the proceeds of drug trafficking, that is, the importation and exportation of cash in bulk. Nonetheless, as the Bill provides, there would be safe-guards to protect innocent people carrying large amounts of cash.

First, there must be reasonable grounds for suspecting that the cash is the proceeds of drugs. Secondly, its attention could not be protracted without the existence of those reasonable grounds. Ultimately, of course, it might not be forfeited without the existence of those grounds. The other offence which would be proscribed here, and which does not now exist, is that in clause 13, which I will read.

"13. The principal Law is amended by inserting after section 16 O the following section -

'16OA.(1) A person is guilty of an offence if he-

- (a) conceals or disguises property which is, or in whole or in part directly or indirectly represents his proceeds of drug trafficking; or
- (b) converts or transfers such property or removes it from the jurisdiction, to avoid prosecution for a drug trafficking offence or the making or enforcement in his case of a confiscation order.

(2) A person is guilty of an offence if, knowing or having reasonable grounds to believe that property is, or in whole or in part directly or indirectly represents, another person's proceeds of drug trafficking, he -

(a)conceals or disguises the property; or

(b)converts or transfers the property or removes it from the jurisdiction,

to assist a person to avoid prosecution for a drug trafficking offence or the making or enforcement of a confiscation order.

(3) A person is guilty of an offence if, knowing or having reasonable grounds to believe that property is, or in whole or in part directly or indirectly represents, another persons proceeds of drug trafficking, he acquires the property for no consideration or for an inadequate consideration.' "

Then I turn to comment further on the first two paragraphs. As the Law presently stands it is an offence to assist a trafficker to retain, to control or to benefit from his own proceeds of drug trafficking. This provision in the proposed Law would go further to prohibit the trafficker from himself concealing or disguising property obtained from drug trafficking or from converting or transferring, or from removing it from the jurisdiction. It would also prohibit another person from doing so on his behalf. Thus, if such property is no longer amenable to sanction as a result of actions taken, for example, to convert it or to remove it from the jurisdiction, the offender himself would remain amenable to sanctions within the jurisdiction if he remains here.

Those are the provisions which I would seek to highlight at this stage, so far as they would create new penal sanctions. Other clauses addressing other important matters I can conveniently mention briefly.

Clause (3) seeks to expand the definition of drug trafficking and drug trafficking offences and provides other definitions consequent upon the new provisions which would be introduced by the new Law. Clause 16 addresses miscellaneous typographical and clerical errors which have been discovered in the present Law. Those are the provisions which I would seek to highlight and, accordingly, I commend the Bill to this Honourable House.

Thank you.

**MADAM SPEAKER:**

The question is that a Bill for a Law to Amend the Misuse of Drugs Law be given a Second Reading. The motion is open for debate. The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, in my time in this House, the Misuse of Drugs Law has been amended several times. I guess as we go on down through time we are going to find many occasions to amend the Law seeing that there are new ways, it seems, arising time and time again of peddling and even creating this scourge we call illegal drugs.

There is one particular area in the Bill which gives me some concern. I do not know why the Government deals with it in this fashion. In Section 9 which talks about offences on Cayman ships, which also talks about ships used for illicit traffic, it says:

"9 (2) A person a person is guilty of an offence on a ship to which this section applies, wherever it may be, if he -

- (a) has a controlled drug in his possession; or
- (b) is knowingly concerned in the carrying or concealing of a controlled drug on the ship,

knowing or having reasonable grounds to suspect that the drug is intended to be imported or has been exported contrary to section 3(1) or the Law of any state other than the Islands."

When we look at the offence starting in subsection (4) it says:

"(4) A person guilty of an offence under subsection (2) is liable-

- (a) if the controlled drug is a hard drug-
  - (i) on summary conviction - to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 5 years or to both; or
  - (ii) on conviction on indictment - to a fine or to imprisonment for life or to both; or."

What I am having trouble with is: If the Government feels that the time has come for life imprisonment for any sort of drug trafficking, be it ship or otherwise, why would they limit it to a ship? This is what I find hard to reconcile because time and time again - and we can only go by what we hear - we hear about this airplane dropping it from the sky, and one judge even termed it sometime ago, "Manna from heaven". We hear about this plane bringing it in, and when I say bringing *it*, I mean hard drugs. I cannot understand why the Government today is leaving out airplanes.

Perhaps there are other persons on this side of the House who will go into this matter a little deeper, but I am at a loss to understand why. If the Government is really concerned about this scourge of drugs and the problems that drugs are inflicting on our community, then I share that concern. But Government cannot be one-sided and if by ship they mean the Jamaican dory or any other Cayman vessel,

then they need to look at everything or every means being used to import hard drugs into this country.

As I said, maybe I am understanding it wrong. Maybe I am reading the Bill incorrectly and the legal minds in the House will be able to tell me something different. But if we are going to come up today with life sentencing then why not airplanes?

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. I would just briefly like to reiterate the concern raised by my colleague, the First Elected Member for West Bay, and, in so doing, would request of the Government that they clarify this section of the proposed Bill for a Law to Amend the Misuse of Drugs Law, so that it is clear and unambiguous.

Let me say that I welcome the serious proposal which is reflected in the fine of \$20,000 and in some cases life imprisonment. But, like my colleague, I too am concerned because the reference to ships, as it stands presently, could limit it only to ships as it is not clear whether airplanes are covered under this reference. Certainly, I do not wish to see a situation arise where only the Caymanian is penalised and the foreign national who traffics has a different kind of sentence for trafficking just as seriously as the Caymanians.

In conclusion, I would respectfully ask of the Honourable Temporary Second Official Member if he could offer some kind of clarification in his reply and, failing that, if it is a fault of the drafting, then could we have that matter so that it is clear and unequivocal in the interpretation?

Thank you.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I support this Bill once again, subject to the doubts that I have in relation to some sections of it. I fully agree with the Acting Attorney General that this country must show that it is taking a full and proper course against the trafficking of drugs. I think we have to show to the world that we are in no way taking an easy approach to the evil of drug trafficking and that we must continue to amend our Laws from time to time wherever necessary to deal with drug trafficking and drug offences.

I also agree that the principle more recently taken of attacking the proceeds of drugs is one that, in my view, will become more and more effective as time goes on. Indeed, if we deprive traffickers of the proceeds of drugs, then it must mean (and it will mean) that there will be a reduction in the trafficking of this evil. The Conventions on drugs that have been referred to have both been enforced for some time and I think following them is the proper course. I have a few areas of concern and one of these is perhaps minor but is found in the white Laws at page 14. It is under the definition of "drug trafficking offence", under subsection (2). It deals with the corresponding Law definition in there. Subsection (b) of that states that the corresponding Law relates (I do not have to read the whole section, so I am paraphrasing it), in pursuance of a treaty, convention or other agreement or arrangement which the Government of that country and Her Majesty's Government in the United Kingdom are for the time being parties.

Some of those occasionally may or may not be extended to us, and I am wondering whether some clarification there (even though I would think that the United Kingdom would extend all drug treaties to us) may well ensure it. I know with a lot of the non-drug treaties many times they are not always extended to all of the colonies automatically.

Maybe the Acting Attorney General is satisfied that they are all right on that point, however, perhaps for the sake of clarity we may want to look at that further down. The section 8A, the new section provided in Section 7 of the amended Law which relates to assisting in or inducing the commission of an offence in a place outside the Islands, of an offence punishable under a corresponding Law enforced in that place, is giving extra territorial jurisdiction. But in this day and age that, I think, is the rule rather than the exception in relation to drugs. I think to effectively have some control over trafficking then there must be times when we may have to look at the situation outside of the Cayman Islands.

That section is followed on in the new section 13(C), which some of the other Members who spoke earlier took the point in relation to ships. This section of the Law seems to deal, as I understand it, and so did the Conventions, only with ships, as we know ships that are used for navigation. I know that ship is defined, "'ship' includes any vessel used in navigation;" but I do not believe that the drafter was using vessel there in the definition of vessel in the Law itself, which actually is defined in section 2 of the present Law where it says: "vessel includes any aircraft, hovercraft, vehicle, or thing in which anything may be carried, stored, or secreted".

My point here has nothing to do with the drafting, as such, it is a point of principle in that that section carries with it a penalty of imprisonment for life or both, an unlimited fine and life imprisonment for a conviction of a hard drug on indictment. The points that were taken earlier are, really, if the penalty is going to be increased on the offences relating to ships, as such, then why not also include at least aircraft in it and, perhaps, hovercraft that were in the earlier definition by similar increases?

I am not saying that the sections, perhaps, and the ways of interdiction between vessels and aircraft may be similar, but what I am saying here is that it seems to me to be no greater crime to deal with trafficking drugs in a vessel than trafficking drugs in a hovercraft or a helicopter or an airplane. Or, alternatively, at least make them similar because presently as the Law stands - and it has the multiplicity of amendments since December 1985, when it was revised - the penalties at present, in relation to dealing, importing and exporting when it is any type of vessel as defined, whether it is aircraft or seacraft, or whatever, was a maximum of 20 years on the first conviction and 30 on the second.

I believe that from a policy point of view, that whatever one should be, the other should be also because there does not appear to me to be any distinct difference between the offence committed on the ship and one committed on a plane. In relation to section 10 of the amendment, dealing with section 15A, which is seizure and detention of drug trafficking money, I notice that it refers only to cash, and as such I do not see a definition of cash. But other than defining cash as pure cash, in other words, coins and notes, it would appear to me that bearer instruments such as travellers checks would not be caught under this section and it is something that may wish to be looked at by the Crown in due course. While I use travellers checks as a more common sort of instrument and it is traceable, as such, it is probably as near to a bearer instrument as one can perhaps have, however, it is traceable unlike pure cash in that it is not easily traceable but it can be traced.

I know that under the following sections dealing with seizure and detention of drug trafficking money there are sections which applications can be made to the court to have cash released, but I personally feel that in subsection (4) of the new 15A, to allow a detention of cash by a Justice of the Peace for a period up to three months may be somewhat long. I am not certain if this is in line with the Convention, if it is, then so be it, but it just seems to me that it may be a long period not to have a court order on it. Perhaps there are reasons in relation to that.

I was somewhat curious as to why subsection (7) of that same 15A, we had that the cash may be released by a Constable if satisfied that its detention is no longer justified and there is an authority of a justice or a magistrate. It just seems to me, while I understand there is a difference between an authority to do something and something that is mandatory, if a court is going to say that something should be done it seems strange to me that a further discretion would be left with a Constable in that case. I am wondering whether perhaps "and" should not have been "or" but, on the other hand, it may be a second check on the release of the money.

This is a very complex Law, as are all Laws relating to drugs, especially proceeds of funds, which is a new area of the Law in relation to drug trafficking. It appears to me that the Law itself is good. I believe that the main new sections that have been put in are obviously needed and I commend the Government and the Second Official Member for bringing this. I would, if possible, like to see either an explanation or reasoning behind the difference in the range of sentencing relating to ships and to other vessels as defined in the Law.

Subject to that, I believe that this will go a long way towards dealing with what has become one of the world's biggest problems and also one of Cayman's biggest problems, that is, the problem of drugs and the evils which arise from the use of drugs. It (the Bill) is striking where it is important to strike which is at the trafficking side and the proceeds of drug trafficking itself.

Thank you.

**MADAM SPEAKER:**

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. I rise to offer my contribution on the Bill before the House, the Misuse of Drugs (Amendment) Bill, and I would like to say that the fight against drug trafficking is a universal problem that requires universal cooperation between countries. So I support the effort of bringing our Laws in-line with those in other countries who are faced with the same problems.

I believe that every effort must be made to stamp out the scourge of illegal drugs in this country. Many measures have been taken in order to minimise this problem. Efforts such as giving the courts the authority to take assets which are believed to have been derived from the proceeds of drug trafficking. I feel this has been very effective, to some extent, in controlling drug trafficking in this country. When you look at the amendment, section 13A (4), it does lay down some very harsh penalties with regard to persons convicted of trafficking, that is, by aircraft or ship, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding five years or both, or on conviction on indictment to a fine or to imprisonment for life or to both.

Many countries have moved in this direction as far as passing down a life sentence for persons on ships or aircrafts found involved in the trade of drug trafficking and many of these countries have been very effective in stamping out that problem. I have a little problem with inconsistency as far as Government is concerned. I recall (I think at the last Sitting), that there was an amendment, as a matter of fact, it was Law 3 of 1992, Misuse of Drugs (Penalties) Law 1992, in which Government basically authorised the possession of cocaine up to two ounces without there being a mandatory sentence being assessed in those cases.

As I said, I am all against fighting drug abuse and drug trafficking in this country, but we must be consistent. I do not think on the one hand you can ease up, which encourages particular drug trafficking in an area. This is local, Madam Speaker, this is not dealing with a ship. This is allowing or authorising or encouraging, in my opinion, trafficking here in our beautiful Islands. I am all against tightening the reins against the use of illegal drugs or the trafficking of illegal drugs and I support the measures that Government is now putting forward. As I said, I feel that Government has to be consistent in its approach, consistent with regard to its message on this very important issue, and I am not sure that that has been the case.

I trust that as a result of the proposed amendments it will prove to be more effective. I feel that unless we can get to the stage where we can arrest this very important and serious issue our community, our islands as a whole will be seriously threatened. So, Madam Speaker, I do support the measures which are being proposed and I want to commend the Honourable Acting Attorney General for his efforts.

Thank you.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, the Bill before the House has as its objective helping its country to comply with two international conventions. It is disturbing that despite the actions of the Government over the past eight years the drug problem continues to worsen. I notice that the Chief Secretary made a statement quite recently at a workshop dealing with the National Drug Plan in which he said "The formulation for clear policy was becoming more and more necessary." I believe until the Government addresses this we can amend this drugs Law as many times as we like and conditions will worsen.

Every time we meet, the Backbench urges the Government to take action which we believe can help. Action which will not cost a lot of money. We ask them to provide in Bodden Town and in other districts playfields where children can be supervised. We ask them to provide rehabilitation centres where those who want help can get it. The Chief Secretary in opening that workshop, according to the press, issued what they called provocative thoughts on the issue of rehabilitation and I do not think his thoughts have been any more provocative than the thoughts that have come from the Backbench. Yet, the Government continues to close its eyes. The present Member is following in the footsteps of his predecessor, and is getting the same results - an escalation in the problem - and it is time that instead of amending this drug Law, that the Governor puts in place new Members, or a new Member, to deal with the drug problem because I am convinced that there will not be any improvement under the present leadership.

The Bill has certain defects which have been explored by other speakers, and what amazes me is why it was necessary to introduce the word "ship" into this Bill, giving it a special definition, when the original Law contained the word "vessel" which had embraced not only ship but aircraft and other types of vehicles which could bring drugs into the Islands. Perhaps the Second Official Member will see fit to change those sections so that the same rule that applies to ships will apply to other vessels, including aircraft, which bring drugs to the Islands.

I applaud the efforts of the Government to comply with international conventions, but I maintain that we must let charity begin at home and we must put our House in order if we are to make any inroads in the fight against drugs.

**MADAM SPEAKER:**

Honourable Mover to reply.

If no one else wishes to continue the debate, I will ask the

**HON. ANTHONY SMELLIE:**

Thank you, Madam Speaker. In the debate, it seems there is a common thread of concern arising from the contributions of Honourable Members. That relates to the question, "Why not increase penalties in respect of aircraft?" "Why limit it just to ships?" In response to that, Madam Speaker, I wish to reiterate that the primary objective of the provisions in question, which address penalties in relation to ships, really seeks to implement a scheme contemplated by the convention which is designed to allow for the interdiction of Convention ships on which there are illegal drugs even before such a ship has entered the territory limits of a particular state.

That, of course, cannot be done with aircraft. The penalty in this regards, Madam Speaker, follows that recommended by the Convention, and that which has been enacted in the United Kingdom for precisely these purposes. Of course, if, as a matter of policy this Honourable House were to deem it fit to consider generally increasing penalties, then that is a matter which can be dealt with more properly at another time, and after the necessary careful consideration and debate.

Other concerns have been raised, Madam Speaker, by, for example the Honourable Third Elected Member for George Town, who raised the question, "Why not seek to control other means of importing and exporting valuable property, for example, by travellers cheques?" I think the short answer to that is that cash is not traceable, it is fungible - as soon as it changes hands it becomes untraceable. With travellers cheques and other such instruments, there is invariably a record. The concern that arises here is in relation to the manner in which the drug trafficker can change the nature of the proceeds of drug trafficking without leaving a trace. It is by addressing that concern that the Bill seeks to refer specifically to cash.

The same Honourable Member raised a question in relation to clause 3 (2), and sought clarification, whether it is intended to apply to treaties which have, in fact, been extended to the Cayman Islands. I think, on the face of it, that must be so. There is, in the manner in which the Bill is presently drafted, always the discretion that this Honourable House might deem the Laws of other states who are parties to Conventions with the United Kingdom and which have Laws for the purpose of controlling the misuse of drugs and, even where such conventions are not extended to the Cayman Islands, the discretion remains to act upon a certificate in respect of the Laws of such a state. As the Bill comes forward to this Honourable House, it applies only to Conventions or Treaties which have been applied to these Islands. I trust that serves the purpose of clarification raised by the Honourable Member.

Madam Speaker, I think those are the observations I wish to raise. I thank the Honourable Members for their contributions and for supporting the Bill. Thank you.

**MADAM SPEAKER:**

The question before the Honourable House is that a Bill entitled "The Misuse Of Drugs Miscellaneous (Amendment) Law, 1992" be given a Second Reading. I shall put the question.

**QUESTION PUT:**

**AGREED.**

**THE MISUSE OF DRUGS MISCELLANEOUS (AMENDMENT) Bill, 1992  
GIVEN A SECOND READING.**

**THE JUVENILES (AMENDMENT) Bill, 1992**

CLERK: The Juveniles (Amendment) Bill, 1992.

**MADAM SPEAKER:**

Honourable Member for Health and Social Services.

**HON. D. EZZARD MILLER:**

Madam Speaker, I beg to move the Second Reading of a Bill entitled, "A Bill for A Law To Amend the Juveniles Law 1990." The purpose of the Bill is explained in the Memorandum of Objects and Reasons. The first part of the Bill deals with the ability to deny someone from obtaining a drivers licence having been convicted under the Juvenile Court for driving a motor vehicle. The second and more important section of the Bill deals with an amendment which introduces the ability of the police to caution juveniles. It clearly sets out the way in which such caution is to be handled by the police and that the caution must detail the behavior to which the juvenile admits the detail of the offence constituted by that behavior, and a warning to the juvenile not to behave in that manner again and the warning to the juvenile must be acknowledged by the juvenile. This record can be brought up in the Juvenile Court on a second offence of the same nature.

I think this will assist in the restoration of some dignity, respect and severity to the Juvenile Court because one of the problems is that we have been taking juveniles to Court for such trivial matters that, really, the juveniles have come not to fear the Court. This is an effort also to provide the Juvenile Court with alternatives to sentencing of juveniles.

I recommend the Bill to this Honourable House.

**MADAM SPEAKER:**

The question is that a Bill entitled Juveniles (Amendment) Bill, 1992, be given a Second Reading. The question is open for debate. The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, this Bill has come a year or so after the Law was revised. At that time, Members of the Backbench implored Government to take a more serious look at the problems faced in the Juvenile Court and the problems of our children. Of course, we could not get anywhere.

We have a Bill before the House, and if we recall at the time the Member (the same Member today moving amendment) moved the Second Reading Debate on the Law we spoke to him on many issues. One of the points raised, Madam Speaker, was one on the age of criminal responsibility. This has been a sore point for most of the Members on this side of the House for some time. I see that the Member does not care to have that amendment brought forward.

Members will recall that I moved an amendment which tried to change the age of criminal responsibility for children from eight years to ten years, as that is the normal age limit in the United Kingdom and the territories of this region. I daresay that many of the Justices of the Peace today support that position. I remember when we attended the Symposium on the Rights of the Child in Barbados in 1989, hosted by the United Nations Children Fund. Bright, legal minds and eminent child psychologists urged Governments of the region to move in the same direction - not only in regard to the age of criminal responsibility, but in many other issues this Government refuses to take into consideration when it comes to dealing with matters in a Juvenile Court; one of them being, Madam Speaker, a Juvenile Court Judge. I would remind the House also, that I moved a resolution for that some time ago, and that was also thrown out as Government did not see the need for it.

Certainly, in the history of developmental psychology, there is not yet any proof of any child at the age of eight to be found fully in control of their senses. Government, at the time of the debate, could give no good reason why they would not support the proposition except for the flimsy excuse that they said the Social Services have to deal with problem children of this age. They had no other excuse. Our contention is that to rely solely on the basis that we have problem children being dealt with is being insensitive to good jurisprudence.

Madam Speaker, there must be some distinction between a problem child and a child who is to be judged and found criminally responsible for his acts. A problem child, in the broad sense of the word, is not necessarily a person who is committing criminal offences. The Government also used their usual excuse of an eight year old child being used to peddle dope. When we look at that type of situation, we need first to consider whether the child got it from somewhere else. It seems to me really incomprehensible to believe that a child of that age could mastermind getting the money and dealing in cocaine or ganja. I believe that we need to go after the adult, not the child at eight years old. Madam Speaker, we need to go at those in the society who use our children in this fashion and, as a parent observing my children grow up, I can say that there is a difference between a child eight years old and ten years old. I believe that psychology has proven that to us, and I believe today that we should be in line with the United Kingdom to whom we look for precedence and guidance in these matters.

Much of the experience of the Juvenile Court shows that younger children need discipline, guidance and control, rather than the corrective measures of a Juvenile Court. I believe that we would be doing the right thing if we moved the age of criminal responsibility upward from eight to ten years. I would hate to see the Juvenile Law, Madam Speaker, be so cut up and amended here there and every time they come up with a little problem that it is impossible for the agencies to deal with it. I have seen the need for an all-embracing Law including all legislation concerning the child. There is too much fragmentation, Madam Speaker, and I do not believe this bodes for good protection of the rights of the child.

Sometimes, acts of violence against children are seen as criminal offences against the State and not against the victim which is a child. Hence, the abused child is sometimes without legal representation and, indeed, even his testimony because he is a child, may be considered suspect. While this is one good move the Government is making, and perhaps it is needed, if we accept that our children are our most valuable asset, then we must be prepared to change the very fundamentals of our criminal

and civil Codes to ensure their protection.

Madam Speaker, I do not find too much wrong with the sections in this present amending Bill because we do, day after day, come face to face with problems in our constituencies where parents, time and time again, come to us concerning problems their children face. This amending Bill, while it does not contain a lot of what I feel it should, Madam Speaker, I will offer the Member some support, but I urge him to accept the amendment which we intend to put before the House. If he does not accept it, Madam Speaker, we are only a few months away when I am certain there will be somebody else more sensitive to the needs of juveniles.

**MADAM SPEAKER:**

The House will be suspended for fifteen minutes.

**AT 3:50 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:16 P.M.**

**MADAM SPEAKER:**

(Amendment) Bill 1992. The Elected Member for East End. Please be Seated. Debate continues on the Juveniles

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. On many occasions I have discussed matters dealing with juveniles and I have also had an opportunity to sit on the Bench where, I must say, on many occasions my heart went out to the young people who came before me.

In this section dealing with ways to provide that a juvenile convicted of driving a motor vehicle may be disqualified from obtaining a drivers licence, let me say, Madam Speaker, I believe that in some instances this creates more temptation to a youngster rather than helping him. I believe that if we are to help the youth of this country today, there are certain things that we need to do and we must do them without fear or favour. I believe that where a child is involved with something of the sort, if that kid knew that he could be sentenced to some sort of community work, it would have more effect than saying to him, "You cannot drive, even if you attain to the age of getting a drivers licence." I believe that in so sentencing we are only saying to the child, "Try it again", and, therefore, we are not helping the individual as we may have set out to do in the first place.

The second amendment seems all right, and I think it will go a long way. I would just like to say that, contrary to the view of many, I honestly believe that days when the youth of this country knew that (for offences such as mentioned here and other less important offences) they could be subject to public whipping and other means of reprimand. . . I honestly think that it was more effective. I believe that now is the time for us to deal more strongly with parents because I honestly believe that in most cases the problems start with the parents. Certainly, the cases which I have been able to sit on in the Juvenile Court, I would much rather know that there was something in the Law that we could deal with the parent because it came right down to the fact that in most cases it was because of negligence on the part of the parents.

I honestly support anything that Government can bring that can assist the youth of this country and I will continue to encourage them to look as far as possible and to try to make it even stronger and more binding, not only on the child, but in instances where the parents can be pulled into the case. I am not saying that it can be done under this same Law, but, certainly, I believe that something needs to be done to tie the two more closely together.

Like other Members have said, I am also concerned with regard to the age when a child becomes criminally responsible. Madam Speaker, we are no longer in the days when we have men at the age of 15 years. It is a true saying that every generation should be weaker but wiser. Sometimes I have to stop and think. The weakness may be there, but in some instances we cannot really boast of them being wiser. I believe that age should be no less than ten years of age. Even that in some cases you will find that a child is not fully responsible. I believe that if more care is placed on the youngsters by the parents that we will find that less will have to be done under this Law.

Once again, Madam Speaker, I ask the Government to look into this fully to see if there is any way that we can deal with both at the same time.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you very much, Madam Speaker. The concern with the deterioration of behavior among juveniles is, according to my knowledge, a phenomenon which concerns all countries in the Western world now and those who are knowledgeable stress that the breakdown is in part the result of an industrialised society in which parents are unable to afford the kind of supervision necessary in most cases for the proper upbringing of the young and malleable in our society.

We, in the Cayman Islands, fall a prey to that as much as the more developed societies like North America and those of Western Europe. I have noticed a marked decline in the behavioral standards since my growing up as a youngster and especially a significant decline from the time when I was a school teacher in the decade of the 1970s to the 1980s until the present time. This attempt is probably, to give it the benefit of the doubt, in the right direction but I am afraid I have to describe it as a band aid being used for open heart surgery because it does not seek to really address the problem at its roots and, like the Member who was last on his feet, I have to agree that any solution must as much involve and incorporate the parents, for the very essence of the problem of juvenile delinquency lies in the fact that many of our parents in the Cayman Islands are abnegating or have abnegated their responsibilities.

Madam Speaker, while I am not by any means romanticizing the old days, I am saying that what exists now is a far cry from the Cayman of a few decades ago where children were set strict codes of behavior and any departure from those codes were subject to sanctions by respected members of the community as well as and in addition to their parents. Unfortunately, such is not the case and I wish to state that while I am not necessarily advocating a return to corporal punishment, as this kind of behavior affects school children, certainly, I have noticed a marked decline since the abolition of corporal punishment in the schools.

What I am saying is, that the whole system needs to be properly reviewed and it cannot be effectively addressed by any break and patch solutions. Madam Speaker, I believe that you are one of those persons who are well equipped to understand this problem being yourself a Justice and I believe one who sat on the Bench dealing with these kinds of problems in the past. While there are those of us who will state that the problems are more obvious now because we have a greater number of youngsters, certainly, my experience tells me that while the problems are more numerous, they are also more serious and, quite frankly, I am alarmed at some of the behaviors of juveniles as I read in the papers and appearing before the Justices of the Peace on the Bench.

I would like to say that as far as this amendment is concerned, while I agree that some attempt should be made to inform the juveniles of the seriousness of their behavior, the parents must be a part of any attempt to convey to the juvenile the seriousness of the offence. I would like to see a situation where, when the juvenile is requested to appear before the authorities, the parents are also requested to assume responsibility. So, I would like to see the situation when the juvenile is cautioned, the parents themselves must give the undertaking in those situations where it is proven that lack of parental supervision is at least a part of the cause, the parents themselves be required to give an undertaking that they will attempt more supervision of their charges.

Madam Speaker, everyday I see young people who are of school age not in school because their parents are at work and I do not know whether the parents assume that the child is at school, but I see them riding horses along the highway, riding bicycles throughout the constituency and generally being nuisances. Now, we could call them and caution them one million times, but if the parents are not involved in these kinds of situations, it will be all to no avail. I ask the question, are these charges abandoned to the greater society or are the parents responsible enough to ensure that the provisions laid down by the State for the upbringing of these children are followed?

As it concerns me, a representative of the people, I have, on a few occasions that I can recall, took it upon myself to visit some of these parents to ask them if they knew their children were not at school. Madam Speaker, while I must admit the responses I got were polite, I remain to be convinced that they were serious enough that the parents could attempt to properly supervise or have their children supervised. In all fairness, I must admit, that in some cases, it is difficult at best for the parents to do better because some of them are single parents and they have the obligation and the responsibility of holding down two jobs to try to make economic means. However, this does not exonerate them from their responsibility of seeing that their juveniles are brought up properly.

Madam Speaker, a warning to a juvenile not to behave in a particular manner means nothing if there is no commitment from the parent to assist; if there is no provision for counselling of that juvenile either by an elder of the society, by a parent or by a professional counsellor. We have some juveniles who will not hesitate to sign acknowledging that they have received a warning but will do no better as regards to improvement in their behavior.

**MADAM SPEAKER:**

Honorable Member, it is now 4:30. Will you be finished shortly?

**MR. ROY BODDEN:**

Madam Speaker, I still have a few points to make, Ma'am, if it is pleasing to the Chair, I would request an adjournment.

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

**MADAM SPEAKER:**  
Member.

We will ask for a motion on the adjournment, Honourable

**ADJOURNMENT**

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, the Business Committee had originally proposed that we adjourn today until Thursday, the 25th of June, because we feared that there was not going to be sufficient business on the Order Paper for a complete day of business. However, on that basis some Members went ahead and planned their diaries and commitments and then other Members seemingly felt that we should perhaps stick to the regular schedule and try to arrange the business accordingly, even if we had to suspend Standing Orders.

I have a mixture of opinions crossing on both sides of the House. I am going to propose that we stick to the original recommendation, and that is that the House do adjourn until Thursday, 25th of June at 10 a.m.

**MADAM SPEAKER:**

The motion before the Honourable House is that the House should now adjourn until Thursday, 25th of June at 10 a.m.. The Motion is open for debate. The First Elected Member for West Bay.



**MR. W. McKEEVA BUSH:**

Madam Speaker, I do not think that we need to adjourn until Thursday. We are dealing right now with the Juveniles Bill and it seems that there are other Members yet to speak. We yet have to go into Committee Stage on the Bill, which is a long Bill with several clauses, and the Misuse of Drugs and the present Juvenile Bill under consideration now, and a Committee Stage Amendment if the Chair allows, would come into play on Thursday also. We are going to adjourn tomorrow, Madam Speaker, I do not see why we need to take two full days seeing that there is quite a bit of business before this House and with business yet to come.

For instance I believe the Elections Bill could be set down. I do not think there are too many days from the actual time limit and I think Members are all ready, and have been ready for some time, to debate that particular Bill. I just cannot go along with suspending for two full days seeing that there is so much business before us and with other business yet to come.

For instance, Madam Speaker, I know that the Government has been talking for years now about this Hospital Loan Guarantee and I see no reason why that cannot come on Thursday. Therefore, Madam Speaker, I just cannot support suspending meetings for two full days.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I would like to take this opportunity to welcome the Honorable Acting Attorney General and Honourable Financial Secretary to the House. It is not the first time they have been here, I know, but it is good to welcome them back. Both have long and distinguished careers with Government and I assure them of my cooperation in the House.

Lastly, just to say that I would support attempting to move on getting the business of the House finished as soon as possible as well.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, the Business Committee had agreed originally to adjourn until Thursday. This decision had been taken because of the frailty of the Government. One Member is away and if they brought in the Hospital Motion it would certainly fail. Because of their poor health, the Committee had decided that we would wait until Thursday when the Member returns. Another major piece of legislation is the Immigration Law which everyone knows the Government has been working at in Select Committee since 1989, and because the Government is so disorganised, that too is not ready. It was not circulated in time and could not be put down until this weekend, I believe. So, these were the reasons for adjourning until Thursday.

This afternoon, the Committee was approached to reconsider and I was of the opinion that the Government had recuperated a little from its bad state of health and would be able to continue on Wednesday. Now I am shocked to hear that we still have to adjourn until Thursday. I think the Business of this House should go on. If the Government is not ready, then the Government loses its motions if its not prepared to deal with them. Perhaps they should do what they should have done long ago.

**MADAM SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. Madam Speaker, I too am a Member of the Business Committee of this House. I did not really concur on the poor health of the Government as the Honourable Second Elected Member from Bodden Town has just said, but we did agree at that time - it really makes no difference to me whether we go on or not. I would like to make my point very clear, but I do know that there is a Select Committee scheduled on the Immigration Legislation for 9:30 tomorrow morning.

Certainly, we are not meeting tomorrow because that was set aside for the Executive Council and Wednesday was when we were coming back, so I feel we all agreed in the Business Committee that there would be no meetings on Tuesday. That was clearly understood and I do not think that we need to rescind that at this stage. The day I am questioning is to come back on Wednesday or Thursday. Wednesday morning at 9:30 we meet for Select Committee on Immigration and I am here, so I am available if it is going to meet. But certainly in order that we can get this Immigration Legislation before this Honourable House during this meeting of the House, we need to meet in Select Committee on Wednesday and I certainly ask that Select Committee not be postponed.

I have no real position on this I just wanted to clarify what the Business Committee had said and I can be here either Wednesday or Thursday.

**MADAM SPEAKER:**

Honourable Member for Education.

**HON. BENSON O. EBANKS:**

Madam Speaker, I do not know exactly for what reason the Business Committee decided that the House would not meet on Wednesday, nevertheless, that was the decision and I know that some Members of Government have accordingly made arrangements and unless there was some specific reason why we had to come on Wednesday, I would suggest that we stick to what the Business Committee advised Members of previously. I would just like to say that, to the best of my knowledge, that it had nothing to do with the health of the Government. I think the Government is in good health and whether it is Wednesday, Thursday or Friday we are ready.

**MADAM SPEAKER:**

If there is no further debate I shall put the Question. The Question is that this Honourable House should adjourn until Thursday morning the 25th of June at 10:00. Those in

favor please say Aye.

**QUESTION PUT: AYES AND NOES:**

**MR. McKEEVA BUSH:**

May I have a division?

**MADAM SPEAKER:**

You certainly may.

**DIVISION NO. 9/92**

**Ayes: 8**

Hon. Thomas C. Jefferson  
 Hon. Richard Ground  
 Hon. J. Lemuel Hurlston  
 Hon. Benson O. Ebanks  
 Hon. D. Ezzard Miller  
 Hon. Linford A. Pierson  
 Capt. Mabry S. Kirkconnell  
 Mr. Gilbert A. McLean

**Noes: 6**

Mr. W. McKeeva Bush  
 Mr. John D. Jefferson, Jr  
 Mr. Truman M. Bodden  
 Mr. Roy Bodden  
 Mr. G. Haig Bodden  
 Mr. John McLean

**Absent: 2**

Hon. Norman Bodden

**MADAM SPEAKER:**  
 25th June, 1992.

The Ayes have it. The House stands adjourned until Thursday,

**QUESTION PUT:        AGREED.**

**AT 4:44 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
 THURSDAY, 25TH JUNE, 1992.**

**THURSDAY  
25TH JUNE 1992  
10:11 A.M.**

**MADAM SPEAKER:**

Prayers by the First Elected Member for West Bay.

**PRAYERS**

**MR. W. McKEEVA BUSH:**

Let us pray.

Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, and we pray O God, for fortitude, we pray for patience and we pray for a contrite spirit so that all things may be ordered upon the best and surest foundations for the Glory of Thy name and for the safety, for the safety, for the 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, Lord that they will do the right things 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 in the Legislative Assembly.

Assembly.

Presentation of Papers and Reports; Report of the Standing Business Committee, Honourable First Official Member.

**PRESENTATION OF PAPERS AND REPORTS**

**REPORT OF THE STANDING BUSINESS COMMITTEE**

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee for Meetings held on the 14th and 27th of February, 1992.

**MADAM SPEAKER:**

So Ordered.

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, this Report refers to meetings of the Standing Business Committee held in February where at the Committee considered the order of business for the State Opening and first Meeting of the 1992 Session of the Legislative Assembly which commenced on Friday, 14th of February, and concluded on the 16th of March, 1992.

The Committee held two meetings; first on the 14th of February and second on the 27th of February. The Minutes of meetings form a part of this Report and are appended hereto. A total of six Business Papers setting out the business for the State Opening Meeting were circulated. The Committee wishes to note that as a result of Business Papers being circulated up to the last Sitting of the State Opening it was not possible to lay this Report on the Table earlier. The Report is accordingly being signed by the newly appointed First Official Member and Leader of Government Business who is the Chairman of the Committee for and on behalf of the Honourable Thomas C. Jefferson who retired on the 1st of April.

The Committee agrees that this Report be the Report of the Committee to be laid on the Table of this Honourable House.

**MADAM SPEAKER:**

Thank you.

Honourable Temporary Second Official Member.

Report of the Select Committee on the Elections Law, the

**REPORT OF THE SELECT COMMITTEE ON THE ELECTIONS LAW**

**HON. ANTHONY SMELLIE:**

Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Select Committee of the whole House on the Elections Law.

**MADAM SPEAKER:** So Ordered.

**HON. ANTHONY SMELLIE:** The contents of the Report, Madam Speaker:

**REPORT  
OF THE SELECT COMMITTEE OF THE WHOLE HOUSE  
ON THE ELECTIONS LAW 1983  
(Law 36 of 1983)**

(1992 Session of the Legislative Assembly)

**ESTABLISHMENT AND TERMS OF REFERENCE OF SELECT COMMITTEE**

1. The Select Committee to review the Elections Law 1983 was established, following the unanimous passing of Private Member's Motion No. 4, by the Legislative Assembly on the 15th day of March, 1989. The Motion was moved by the Second Elected Member for Cayman Brac and Little Cayman, Mr. Gilbert A McLean, MLA, and seconded by the Third Elected Member for West Bay, Mr. John J Jefferson, Jr., MLA (sic) [The Elected Member for East End].

2. The Motion as passed read:

WHEREAS there are areas of the Elections Law which need to be reviewed in light of the experience of previous general elections;

BE IT THEREFORE RESOLVED THAT a Committee of the whole House be appointed to review the Elections Law and to consider the establishment of a permanent elections office of Government to administer the elections.

**NOMINATION OF CHAIRMAN AND COMPOSITION OF SELECT COMMITTEE**

3. Following the passing of the Motion, the Presiding Officer, His Excellency the Governor, Mr. Alan J Scott, CVO, CBE, in accordance with the provisions of Standing Order 69(2), nominated the Second Official Member, Hon W Richard Ground, QC, OBE, to be the Chairman of the Committee.

4. In accordance with the Motion, and at the time of its passing, the following Members, comprising the whole House, were Members of the Select Committee, that being:

**CHANGE IN OFFICIAL MEMBERSHIP OF COMMITTEE**

5. On 1st April, 1992, the Hon George A McCarthy, JP, replaced the First Official Member, the Hon Thomas C Jefferson, OBE, JP, upon his retirement. The Hon George A McCarthy, JP, became the Third Official Member responsible for Finance and Development, with the Hon J Lemuel Hurlston, MBE, JP, formerly the Third Official Member, becoming the First Official Member with portfolio responsibility for Internal and External Affairs.

**INTERIM REPORTS OF THE SELECT COMMITTEE**

6. Interim Reports of the Select Committee were tabled in the Legislative Assembly on:

- (1) 4th December, 1989;
- (2) 22nd November, 1990; and
- (3) 12th December, 1991.

**MEETINGS DURING 1992**

8. Two meetings during this Session of the Legislative Assembly were held. The first on 25th March, 1992, when the Committee considered the Report of the Supervisor of Elections and made recommendations for the amending legislation; and the second meeting on 21st May when the Committee considered this Report.

**ATTENDANCE OF PERSONS**

9. In attendance at the meeting held 25th March, 1992, from 10:05 a.m. onwards were the Supervisor of Elections, Mr. Kearney Gomez, and the Deputy Supervisor of Elections, Mr. Orrett Connor. Mr. Connor also attended the meeting of 21st May. This was at the invitation and request of the Committee.

**PAPERS BEFORE THE COMMITTEE**

10. The Select Committee had before it the Report of the Supervisor of Elections, dated 1st May, 1991, together with an Agenda produced by the Chairman (referred to on pages 9, 10 and 11 of minutes of meeting held 25th March, 1992) which reflects the various issues raised by the Supervisor of Elections, the Constitutional

Commissioners, the Select Committee on the Constitution, and others.

### RECOMMENDATIONS FOR AMENDMENTS TO THE ELECTIONS LAW 1983

11. The Select Committee makes the following recommendations to amend the Elections Law 1983.

- (i) **Supervisor of Elections:**  
It is unanimously recommended that the Supervisor of Elections be a Senior Public Officer, and that section 3 of the Law be amended by inserting "senior public officer to be" immediately before the word "supervisor" in line one.
- (ii) **Boundaries:**  
It is recommended, by a majority, that the boundary between Bodden Town and George Town be changed now, before the next general election, and that it be reverted to the original boundary.
- (iii) **Voter Registration Cards:**  
It is unanimously recommended that voter registration cards be produced, and that the Elections Office be invited to prepare (or commission) a working paper on the use of voter registration cards after the 1992 general election.
- (iv) **Polling Stations:**  
It is recommended, by a majority, that the Supervisor of Elections have compulsory power to acquire property for use as polling stations.  
  
It is further recommended, by a majority, that there be no penalty for refusing the use of buildings, and that the Law be amended by adding words to the following effect (possibly as a new sub-section to section 22) - "For the purpose of securing the use of buildings for the provision of polling stations, the supervisor may require that the owner of buildings of a public nature (including, but not limited to schools, auditoriums and private halls) permit the use of such buildings as a polling station."  
  
It is further recommended that adequate notice, a minimum of two (2) months, be given to the owner of buildings when there is need for use; that the building must be returned in as good a condition as found; that there be no penalty or fee involved; and that expenses for utilities be paid.
- (v) **Boundary Commission:**  
It is unanimously recommended that this should now be dealt with in any new Constitution.
- (vi) **Enumeration:**  
It is unanimously recommended that the Select Committee request the preparation of a report, by or on behalf of the Elections Office, evaluating other systems of enumeration.
- (vii) **Nomination:**  
It is unanimously recommended that nomination be permitted at any time during a nomination period leading up to Nomination Day; that it be clarified that there is no need for a candidate to attend the actual nomination; and that nomination be closed at 2:00 p.m., on Nomination Day, being the last day of the nomination period.  
  
It is further unanimously recommended that a declaration or oath be required from a candidate as to his qualification prior to nomination; that the portion of the nomination form providing for the consent of the nominee be amended to provide for a formal declaration or qualification; and that the Law be amended to provide that a false declaration is an offence with a penalty of \$5,000.00.
- (viii) **Deposit:**  
It is unanimously recommended that section 20 of the Law be amended to increase the percentage of the vote below which a deposit would be forfeited to 10 per cent of the votes cast.
- (ix) **System of Voting:**  
It is unanimously recommended that the Elections Office be asked to review a number of systems and to provide Government with a report of its findings and recommendations.
- (x) **Agents:**  
It is unanimously recommended that training of Agents be provided administratively, and that section 27(1) of the Law be amended to provide for appointment of Agents on

Nomination Day to allow this to take place.

It is further unanimously recommended that the Law be amended to make it clear that Agents may be appointed from Nomination Day onwards.

**(xi) Postal Voting:**

The Committee was told that postal voting rules, including the method of counting, would be reformed and that this would involve an amendment to the Elections Rules which would be effected by Regulations and not an amendment to the Law, and that such a draft had been prepared and was being dealt with by the Executive Council.

It is unanimously recommended that Form C be amended to require that a witness should print his/her name legibly below his/her signature.

**(xii) Means of Voting:**

It is unanimously recommended that section 36(3) be amended by the removal of the words "black lead pencils" and that the use of all pens be permitted.

**(xiii) The Count:**

It is unanimously recommended that section 44 of the Law be amended to make it plain that only authorised persons be allowed to be present at the Court and that the authorised persons should include the Supervisor or his deputy; and further that, to avoid any confusion, the Law make it absolutely clear that authorised persons (other than Returning Officers) may enter and depart polling stations during the count.

It is also unanimously recommended that the Law be amended to prohibit persons assembling any closer than 100 yards from the polling station during the count.

**(xiv) Licensed Premises:**

It is unanimously recommended that section 56(1) be amended, but only to the extent of permitting hotels to open one hour after the close of the poll, and that the present restrictions continue for bars, liquor stores and restaurants, not in hotels.

**(xv) Election Day:**

It is unanimously recommended that Election Day not be declared an holiday and that this be implemented administratively by not declaring it to be such.

**(xvi) Consequential Amendments:**

It is recommended that the necessary amendments consequential upon the proposed amendment to the Constitution, increasing the number of Elected Members to 15, be made and that the Members be assigned in accordance with recommendation 14 of the Select Committee to Review the Constitution; namely, one additional Member each to Bodden Town, West Bay and George Town.

It is further unanimously recommended that, in order to implement this, section 4 be amended accordingly.

It is further recommended, by majority, that the Elections Law be amended so that the districts be referred to by their names instead of by numbers.

**(xvii) Additional Recommendations:**

**Incapacitated Voters:**

It is recommended, by a majority, that section 38 of the Law not be amended, as was proposed by one Member, to abolish the right to have a friend assist with the casting of his vote by an incapacitated voter.

**Deputy Returning Officer:**

It is unanimously recommended that a post of Deputy Returning Officer be included in order for him to carry out the functions of the Returning Officer if necessary; and that section 7 be amended by adding a new sub-section (5) to provide for the appointment of Deputies and a new sub-section (6) to specify their role and functions.

**Marking of Ballots:**

It is unanimously recommended that an amendment to the Law be made to incorporate in it a provision, similar to the United Kingdom's provision, that where the intention of the voter is clear a ballot paper should be accepted if not marked in the correct space or with a cross. This amendment could be incorporated in section 44 of the Law.

**Campaign Expenses:**

It is unanimously recommended that the Elections Office be requested to prepare guidelines to deal with the matter of campaign expenses and that thought be given to limiting campaign expenses.

**Amendment to Forms 19 and 20:**

It is unanimously recommended that an amendment be made to Forms 19 and 20 to remove reference to "an illiterate" and "illiteracy", and to substitute a less offensive phrase such as "inability to vote unassisted".

**APPRECIATION**

12. The Committee wishes to express its appreciation to the Supervisor of Elections and his Deputy for their attendance at the meeting and their assistance during the Committee's discussions. The Committee also wishes to express appreciation to the Chairman and the Clerk.

**REPORT OF THE SELECT COMMITTEE TO THE HOUSE**

13. The Select Committee of the whole House to Review the Elections Law 1983, agrees unanimously that this Report be the Report of the Select Committee to be laid on the Table of this honourable Legislative Assembly during this Second Meeting of the 1992 Session.

Before concluding, Madam Speaker, it has been brought to my attention that there is an error in the Report at the beginning, it reads that it was seconded by the Honourable Mr. John D. Jefferson. In fact, it was seconded by the Honourable Mr. John B. McLean. The Minutes reflect the correct position and yes, Mr. McLean has asked that be corrected.

Thank you.

**MADAM SPEAKER:**

Thank you, Honourable Member. The next item on today's Order Paper is Questions to Honourable Members, Question No. 65, the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS****THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE**

**NO. 65** Can the Honourable Member say how much it has cost, to date, to fill the property in Prospect where the Primary School is being built?

**ANSWER:** The cost to-date to fill the property in Prospect where the Primary School is being built is \$306,754.20.

**SUPPLEMENTARIES:****MADAM SPEAKER:**

Supplementary, the Member for East End.

**MR. JOHN B. MCLEAN:**

I wonder if the Member could tell this Honourable House the exact amount of fill that was taken to the sight amounting to the cost which he has just given us?

**HON. BENSON O. EBANKS:**

No, Madam Speaker, I do not have that information.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker.

with the figures asked for?

Can the Member give the undertaking to supply us in writing

**HON. BENSON O. EBANKS:**

out. If I do I will let the Members know.

Madam Speaker, I can give an undertaking to attempt to find

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. In a previous question time in this House, the same Member stated that it was not necessary to fill this property. My question is, How, then, has it taken so much to fill it?

**HON. BENSON O. EBANKS:**

Madam Speaker, I am not aware of the statement the Member is referring to and I do not know the circumstances under which it was said but I can assure the Member that one of

the reasons why the property has taken an exceptional amount of fill is because a portion of the school, that is the hall, is being built to meet the requirements of a hurricane shelter and this involves wherever it is done at this time at least filling it above the normal level that would be done for a normal building.

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

**MR. W. McKEEVA BUSH:** Madam Speaker, I will defer my question to the Member for East End.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, am I to understand the Member correctly that the only reason the area has been filled is because a building has to be constructed as a hurricane shelter. In other words, the land was high enough as it was?

**HON. BENSON O. EBANKS:** No, Madam Speaker, I did not say that. I said as a result of it being used it is being filled to a higher level than it would normally have been filled.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member tell us the cost per cubic yard of the fill? Does he know what they paid per cubic yard for it?

**HON. BENSON O. EBANKS:** No, Madam Speaker, if I had know that I could have calculated the number of cubic yards that was used on the site. I do not have the unit price and I would point out that the contract on this was not done by my Portfolio. It is a Public Works contract.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. The Member in one of his supplementaries gave the answer that he did not know. I would want to find out how did he arrive then at \$306,754? How did he arrive at that figure of \$306,754?

**HON. BENSON O. EBANKS:** That is the figure supplied by Public Works, Madam Speaker.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Can the Honourable Member say whether this is the total amount of fill that will be necessary for the building and also the fields around it, the full site?

**HON. BENSON O. EBANKS:** Madam Speaker, it is my understanding that this figure while it is the amount spent on fill, it also involves site preparation. It also involves the scraping up and removal and replacing of excess top soil that was on the property and it includes, as I understand it, the playing field area, removing material onto that as well - rocks that had been taken from the building site and that there is in fact, an additional cost when the playing field area is completed as a future phase of the project.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Taking into consideration that the Member could not tell us the exact amount of fill, is it possible to tell us the exact size of the area to be covered?

**HON. BENSON O. EBANKS:** Madam Speaker, I understand that the plot is approximately 11 acres. How much of it has been completed as this project or as this phase, I am unable to say.

**MADAM SPEAKER:** I think perhaps the House has had its fill of supplementaries on the matter of the fill. We can move on to Question No. 66, standing in the name of the Member for East End.

**THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE**

**NO. 66:** Can the Honourable Member say if there has been any deviation from the Education Plan for the Cayman Islands High School?

**ANSWER:** There has been no deviation from the policy components or objectives and plans are in progress for their timely implementation.

**SUPPLEMENTARIES:**



- MADAM SPEAKER:** Supplementaries. The Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Am I to understand the Member correctly that no deviations have taken place and no teachers at any time have resigned as a result of certain deviations which have taken place within this Plan?
- HON. BENSON O. EBANKS:** Madam Speaker, not to my knowledge.
- MADAM SPEAKER:** The next Question...do you wish a supplementary, Honourable Member? The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** I apologise there. I was holding on a bit for the First Member. Could the Honourable Member say whether the Plan took account when lowering the age that Government had no sufficient school space for those children the three and three-quarter year olds?
- HON. BENSON O. EBANKS:** Madam Speaker, I am not sure of the Member's question because the Plan heightens the school age, it does not lower it.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** The pre-school?
- HON. BENSON O. EBANKS:** The recommendation is that the pre-schools be conducted away from the Primary School and that this be undertaken, as far as possible, by private enterprise. That was explained when the Plan was presented here.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker.  
Am I to understand the Member correctly that no protest was launched by any teachers, no letters were written by any teachers, because of this deviation within the Plan?
- HON. BENSON O. EBANKS:** Madam Speaker, I have no knowledge of any letters being written by teachers.
- MADAM SPEAKER:** The Member for East End.
- MR. JOHN B. McLEAN:** Madam Speaker, I guess my mail box is the only one that received these little letters but I have one right here.
- HON. BENSON O. EBANKS:** Madam Speaker, I would not mind seeing the letter. Maybe the Member would Table it? Because I have not seen a letter of that nature.
- MR. JOHN B. McLEAN:** Madam Speaker, I am not going to Table that letter, I am not responsible for the Portfolio but I know that it certainly was written.  
My next supplementary question, as a part of this Educational Plan which we are talking about, the Middle School will become the High School. I wonder if the Member could tell us then what will be given priority for implementation once this is done?
- MADAM SPEAKER:** Honourable Member I think that is a very far fetched supplementary and we will pass that over. If there are no further supplementaries we will go to Question No. 67, standing in the name of the Member for East End.

**THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE**

**NO. 67:** Can the Honourable Member state whether other West Indian Islands, with the CXC system, still utilise a middle-school system?

**ANSWER:** To the best of my knowledge and information the concept of the Middle School has never really caught on in the Caribbean in countries within the CXC system. The standard practice is for six or seven years in primary school, followed by five years in a full cycle secondary school. Side by side with this practice in some countries, however, is a system of junior secondary and senior secondary schools primarily vocational in nature catering for students who have not been able to get in to the more academic type full cycle secondary school. Placement in these various school is based on the performance in the secondary schools common entrance examination. This is very different from the Middle School practice in the Cayman Islands.

**SUPPLEMENTARIES:****MADAM SPEAKER:**

Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:**

In the answer the Member states in some countries. I wonder if he cares to tell us exactly what country he is speaking of?

**HON. BENSON O. EBANKS:**

are countries that I am aware of.

Madam Speaker, Jamaica, Trinidad and Tobago and St. Kitts

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. Am I to understand the Member then that what he is saying actually is that there is a Middle School called by a different name?

**HON. BENSON O. EBANKS:**

No, Madam Speaker. And, maybe if I would read to the Member an extract from a study by the World Bank on education in the English speaking Caribbean he would understand what I am saying:

"The structure of secondary schooling is more complex than primary schooling. The standard pattern in English speaking Caribbean countries is six years of primary schooling followed by five years of secondary, exceptions being Trinidad with a cycle of seven and five and Belize with eight and four."

In other words, they have eight years of primary and four years of secondary.

"The majority of Governments, however, cannot yet provide all students with full secondary cycle. The destination of students after the primary phase is determined by performance in the secondary school common entrance examination. Usually the highest achievers proceed to older prestigious secondary schools, many with six forms or grades. The second tier to other five year secondary and those with the lowest examination marks to all age primary or junior secondary schools for a two to four year period."

In other words, Madam Speaker, it is obvious from this that junior secondary schools in this context are terminal schools and they are as far as those children go.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, will The Member tell us if the main reason for the abolition of the Middle School is economic reasons, that is getting the buildings for the Middle School to be used for a high school rather than for an improvement in the teaching system?

**HON. BENSON O. EBANKS:**

Madam Speaker, in the Education Report and Plan, it is stated that the suggestion to eliminate the Middle School from the Education system was in order to make the whole system more cohesive and to give the children six years of secondary education in the same setting rather than to have it broken into two as it is when the Middle School system is in place. That is a reasonable paraphrase of the reason given in the Plan and Report.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. Would the Honourable Member let us have copies of the World Bank Report or which ever report he read from? Was the Honourable Member saying that the references to the junior and senior secondary schools exist in Jamaica, Trinidad and St. Kitts? Secondly, does he realise that Bermuda is now looking at introducing a middle school system?

**HON. BENSON O. EBANKS:**

Yes, Madam Speaker, I am very much aware of that but I am not impressed. If it would help the Member I could also tell him that when we contacted the Permanent Secretary for Education in St. Kitts, one of the more successful secondary school systems in the Caribbean, according to the same World Bank study, the Permanent Secretaries first response was to ask whether we were thinking of introducing the middle school when it was generally regarded to have failed in England and largely abandoned.

I cannot undertake to let the Member have the full World Bank Report, but I will give him the extract that I am reading from here, unlike his colleague.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Is it correct that the Honourable Member never has been impressed with the Middle School from the beginning?

**HON. BENSON O. EBANKS:** No, I am saying that I am not impressed with Bermuda introducing the middle school system at this time. But I am not going to get involved in the politics of another country. If they feel that the middle school system is what they need, good luck to them. The people that we had to do our study recommended and argued logically that our Middle School should be phased out and that is what the Plan is doing.

**MADAM SPEAKER:** We shall proceed to the next Question No. 68, standing in the name of the First Elected Member for Bodden Town.

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

**NO. 68:** Would the Honourable Member say what is the cost of water purchased for the Prison over the past twelve months; and what is the monthly expenditure thereon?

**ANSWER:** The cost of water purchased for the prison over the past 12 months amounted to \$272,669.73 giving an approximate monthly expenditure of \$22,722.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Member is in a position say to what purposes was this water purchased?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, water is purchased for topping up the cisterns in the prison which are tied in to the general distribution of water to cell block accommodation facilities, to the kitchen and to other parts of the administrative complex.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Taking the figures given into consideration can the Member say whether Government has given thought to perhaps constructing larger cisterns on the premises?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker, however Government is in the process of examining the feasibility of alternative sources of water supply.

**MADAM SPEAKER:** The next Question is No. 69 standing in the name of the First Elected Member for Bodden Town.

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

**NO. 69** Would the Honourable Member say if the prison officer's training programme includes any courses in psychology, sociology and coping with work in stressful environments?

**ANSWER:** The prison Officers Training Programme incorporates modules on inter-personal skills, the resolution of conflict situations and the control and management of aggression, all of which contain elements of sociology and applied psychology.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** I wonder if the Honourable Member would care to say who teaches these courses and if any outside expertise is sought in the imparting of these techniques?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the programme is done on an in-house inservice basis. The officers who teach the programmes are adequately and suitably qualified for the purpose. They do use teaching aides such as video cassettes, films and other imported aides that assist them in the process.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** I wonder if the Honourable Member could say if the persons teaching the courses have any degrees in psychology, sociology or management skills?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker, I could not but I can reiterate that the persons teaching the courses have sufficient material with which to teach the course adequately.

- MADAM SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Could the Honourable Member say if the persons responsible for teaching the courses are in fact trained teachers?
- HON. J. LEMUEL HURLSTON:** No, Madam Speaker, they are not.
- MADAM SPEAKER:** The Second Elected Member for Bodden Town.
- MR. G. HAIG BODDEN:** Madam Speaker, can the Member give us any idea of the timetable for these classes?
- HON. J. LEMUEL HURLSTON:** A typical induction programme runs over a period of 12 weeks.
- MADAM SPEAKER:** The next Question is No. 70 standing in the name of the First Elected Member for Bodden Town.

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

**NO. 70:** Would the Honourable Member say if the prison officer's training scheme offers any programmes in hand-to-hand combat, martial arts and hostage negotiation?

**ANSWER:** Prisoner officers are not trained in hand-to-hand combat or marshal arts. They are however, trained in control and restraint techniques designed to assist in over-coming instances of individual and corporate violence and the minimum use of force. Training is given in hostage negotiations.

**11:00 AM**

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

**MADAM SPEAKER:** It is now 11 o'clock. I will take a motion for suspension of Standing Orders.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, if it is the wish of the House, I beg to move the suspension of Standing Orders 23(7) & (8) in order to complete the questions.

**QUESTION PUT: AGREED** **STANDING ORDER 23(7) & (8) IS ACCORDINGLY SUSPENDED.**

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary the First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say if any requests have been made to include these programmes and if any consideration has been given to include these in the curriculum?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I am not aware of any such request but if such a request was submitted it would certainly be considered.

**MADAM SPEAKER:** If there is no further supplementary, the next Question is 71, 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. 71:** Would the Honourable Member say: (a) what steps have been taken by government to prevent a certain gentleman from regularly defecating on the Post Office property in central George Town; and (b) is the Member aware that the Post Office staff often find the smell offensive?

**ANSWER:** The Member for Communication, Works and Agriculture has been trying every since he became aware of the problem to have the man permanently removed from loitering around the Post Office without a great deal of success.

The matter has been reported to the Royal Cayman Islands Police Force and the Social Services Department with a request for this man to be taken into custody as it appears it is of unsound mind. Though measures have been taken by them to provide temporary custody for this man I am advised by the police that legally they are unable to detain him on a more permanent basis.

My Portfolio has similarly not been able to receive any assistance from the Social Services Department in providing a long-term solution to this problem.

The steps taken thus far with the Police Department and Social Services Department to illuminate this nuisance came as a result of complaints not only from the Post Office staff but also from members of the general public.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, in the answer the Member says that it appears that the gentleman is of unsound mind. Is it not possible then, to handle him from this direction. Surely they have a Mental Health Law that deals with such cases. It seems to me and I have had complaints all around also on this particular matter, but it seems to me that if they do not then the whole town could be messed up.

**HON. LINFORD A. PIERSON:** Madam Speaker, unfortunately I am not the consultant psychiatrist but I have a report here from him and I would like to share this with the House. As regard a sort of chronology of events relating to Mr. Morris Spencer Dilbert, the gentlemen in question. This came from the consulting psychiatrist Doctor Franklin La Hee and it is dated the 24th of June, 1992. It was just yesterday.

"Mr. Dilbert was first seen in the Medical Health Services in February 1986 when he was brought in Casualty because of urinating against the Post Office wall. He was seen by Doctor Knight who found him mentally retarded. There was no evidence of psychiatric disorder. He felt Mr. Dilbert received a moderate degree of care and was mainly an aesthetic nuisance. Doctor Knight concluded no medication would benefit him and he required a more structured and positive environment which was not currently available.

He was not seen again until 1988. In an interview with his mother in March 1988, Mrs. Oakley was told Mr. Dilbert was always a strange man but after a problem with a girl-friend while he was at sea he became more disturbed. There was psychiatric illness on his paternal side and she maintained that all her six children had nerve problems.

Mr. Dilbert was seen in March 1988 by Doctor Grahame who felt he was passive and withdrawn with no psychiatric features and that he was possibly mentally retarded. He was given as a therapeutic trial, a test dose of Haldol 50 mg. IM, but could not be found by the police for his follow-up appointment.

In April 1990 Doctor Kumar requested he be hospitalised following an alleged report that he was responsible for setting a fire at the George Town Post Office.

[The consultant continues]:

I informed Doctor Kumar that since this was an act of dangerousness, under the Mental Health Act Law he needed to be detained in the police lock-up and evaluated. I reminded him to-date that he had no symptoms of mental illness. On evaluation he was free of any psychiatric disorder and had to be released.

Based on his past history of pre-morbid functioning as he was employed for many years and gradual social deterioration if other therapeutic trial of Modicate 12.5 mg. IM was given to rule out that this was not a simple schizophrenic process. He was detained in the lock up for observation and had two doses with no apparent improvement. After three doses at three weekly intervals the therapeutic trial was discontinued.

The general impression was that the situation was a social problem and that he had no overt psychiatric disorder. The view of three psychiatrists is that he presents a social problem. A structured and supervised setting would benefit Mr. Dilbert by providing better care and the public by causing less of a nuisance. From his previous history with the department, it does not appear that further contact would be beneficial. I advocated that he be considered for the Day Care programme presently run by the Social Services in West Bay.

As the family is having difficulties in finding accommodation in George Town, perhaps a move to West Bay might enable us to achieve a comprehensive social solution."

As I said, Madam Speaker, this was presented by Dr. Franklyn La Hee the consultant psychiatrist at the Government Hospital.

**MADAM SPEAKER:** First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, the Member has given what I consider a very comprehensive report and a long report. This particular person is defecating, urinating, lighting a fire, all in the Post Office and now they want to deport him back to West Bay. It seems that what the gentleman needs is better care and I would request the Member for Health and Social Services, if they are going to put him back in the Care Centre in West Bay, to have a place where he can be taken care of permanently. It seems this is what he needs. I am going to turn it into a question, Madam Speaker. It is taking a long time getting there.

I would ask, as I already did, the Member for Health and Social Services to and the Member for Education to look at the matter and see that something is done with the gentlemen as he needs care and if they would give us a report next week?

**MADAM SPEAKER:**

of The Third Elected Member for George Town.

May we go on to the next Question No. 72 standing in the name

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

**NO. 72:** Will the Honourable Member state whether the \$2.00 tax paid by cruise ship passengers are being ear-marked for upgrading the George Town and Spotts tourist landings.

**ANSWER:** The wharfage fee of United States \$2.00 or \$1.64 Cayman Islands dollars from every cruise ship passengers is being used to fund a second landing for cruise ship tenders at the south side of Hog Sty Bay in George Town. In addition to the general upkeep and maintenance to the present facilities. No plans have been made by the Authority for the development of the Spotts landing as this property has not been vested in the Authority and is being maintained and managed by Government.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you. Would the Honourable Member be a bit more clear? Is it being ear-marked or has it gone into general funds?

**HON. LINFORD A. PIERSON:**

Madam Speaker, it has gone into general funds but has a specific amount ear-marked for that project.

**MADAM SPEAKER:**

If there is no further supplementary, the next Question is No. 73 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. 73:** Would the Honourable Member say: (a) what is the cost of the free standing 250 foot communications tower near the Prison; (b) was a costing on a similar tower which is not freestanding obtained and if so, will he state the lowest cost and say why was such a tower not erected; (c) will the Member say why was a local crane and crew to used to erect the tower and what was the cost thereof?

**ANSWER:** (a) The cost of the free standing tower which is 260 feet, not 250 feet including erection, located in the perimeter of Northward Prison, is \$184,853.00 U.S.

(b) The costing obtained on a 250 foot tower was approximately \$100,00.00 U.S. However, it was determined by the telecommunication experts made available to the Government through the Dade County Sister City Program, that due to maintenance cost, safety concerns and security risk, a free standing tower was the most appropriate. In addition, planning approval would not have been given for a tower not meeting planning regulations for set back requirements.

(c) The contract as awarded by the Central Tenders Committee, was for the supply and installation of the said tower. Due to the nature of the works, the contractor used his own specialised equipment, namely a 100 foot aluminum gin-pole along with a 24,000 pound capacity multi-drum winch that was not available locally to erect the tower.

**MADAM SPEAKER:**

the name of the Third Elected Member for West Bay.

There is no supplementary. Next Question is No. 74 standing in

**THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE**

**FOR COMMUNICATIONS, WORKS AND AGRICULTURE**

**NO. 74** Will the Honourable Member say whether Government is considering placing a moratorium on the number of taxi licences issued and if not, why?

**ANSWER:** The placing of a moratorium on the number of taxi licences is one of the issues presently being considered by the committee on the Public Transport Board, recently appointed under the new Traffic Law for further consideration by the Governor-in-Council. The rule of the Committee, is at this stage, only advisory in preparation for these functions to be undertaken by the Public Transport Board, once the new law comes into effect, The Board will have power to advise the Governor-in-Council on these and other matters.

**SUPPLEMENTARY:**

**MADAM SPEAKER:** Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you Madam Speaker. I wonder if the Member could say how quickly he intends to get a report from this Committee on the issue?

**HON. LINFORD A. PIERSON:** Madam Speaker, I am told that the report should be available within the next two to three months.

**MADAM SPEAKER:** If there is no further supplementary, the next question is No. 75 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: 75** Will the Honourable Member provide an update on Government's plans to establish a central bus depot in central George Town, in respect of the location and projected time of completion?

**ANSWER:** The original plans of the carpark being built next to the Government Administration Building on Elgin Avenue includes 15 bus parking spaces. A 'depot' or shelter for passengers to use was not included in the plans, since passengers would wait for the bus, along the route, in shelters provided by a local service club. The carpark work is underway and part of the facility should be ready for use by buses by mid-July.

**SUPPLEMENTARY:**

**MADAM SPEAKER:** Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you Madam Speaker. The original plan as I recall it was to find a central place in town where these buses could queue up to take passengers. I wonder if the Member could say why the plan of Edward Avenue, I think it is, right over here, was abolished?

**HON. LINFORD A. PIERSON:** Madam Speaker, originally, the library car park was considered and rejected because expansion of the Court House would have required reserving 40 spaces in that lot, and it was felt that room was not available there. There was also some concern about the difficulties of enforcing the parking restrictions and the need for additional rest room facilities. However, Madam Speaker, this matter is still under consideration and I am discussing it now with the Chief Engineer. We are looking into that matter.

**MADAM SPEAKER:** If there is no further supplementary, the last question on today's Order Paper is No. 76 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: 76** On the 9th July, 1991, Private Member's Motion 15/91 was passed by the Legislative Assembly in respect of increasing the financial assistance to the indigent persons. Would the Honourable Member say what action has been taken thereon?

**ANSWER:** At the request of the Portfolio, the Social Services Department and Statistics department priced a basket of goods and made recommendations to increase the monthly permanent assistance. As the proposed increases would increase the present allocation four-fold, which could not be accommodated in 1992 budget due to budgetary constraints, it was felt that further investigation should be done. In addition, with the computerization of the Social Services' records, better data will be kept which will ensure that those people entitled to welfare will receive it. It is anticipated

that the 1993 budget will reflect these changes to permanent assistance and child-care relief.

#### SUPPLEMENTARIES:

- MADAM SPEAKER:** Supplementary. The First Elected Member for West Bay.
- MR. W. McKEEVA BUSH:** Madam Speaker, if the Portfolio or the Department requested or made recommendations to increase the allotment to 200 and Government did not have the money, why could they not have gone to 100?
- HON. D. EZZARD MILLER:** Madam Speaker, I can give the Member the assurance that myself tried all of those combinations with the Finance and Development Department, but we did not have the data to justify the increases to them and it was not allowed.
- MADAM SPEAKER:** Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Is the Member saying that the Portfolio found that no increase was justified?.
- HON. D. EZZARD MILLER:** I am not saying that the Portfolio found no increase was justified. Finance and Development said that we could not get an increase in this years budget.
- MADAM SPEAKER:** Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** The Member obviously knows, or does the Member not know that matters not covered in the budget can be brought here for supplementaries, or is it only \$18,000,000.00 amounts that count?
- HON. D. EZZARD MILLER:** No, Madam Speaker. I am fully aware of that and it is a submission before finance for an increase in the amount.
- MADAM SPEAKER:** Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Could I ask the Honourable Member if he can undertake to bring this as early as possible because of the seriousness of these people not having all the necessities of life that they may get as a result of increase?
- HON. D. EZZARD MILLER:** Yes, Madam Speaker.
- MADAM SPEAKER:** That concludes Question Time for this morning. The House will be suspended for 15 minutes.

**AT 11:26 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:48 A.M.**

- MADAM SPEAKER:** Please be seated. Proceedings are resumed. Government Business.

### **GOVERNMENT BUSINESS**

#### **MOTIONS**

#### **SUSPENSION OF STANDING ORDER 24(5)**

- HON. J. LEMUEL HURLSTON:** Madam Speaker, May I beg leave of the chair to on behalf of the Government bench move the suspension of Standing Order 24(5), in order to enable Government Motion No. 3 of 1992 to be taken as the next item of business.
- MADAM SPEAKER:** Leave is granted.
- HON. J. LEMUEL HURLSTON:** Madam Speaker, may I first apologise as chairman of Business Committee for the absence of this item on the Order Paper. The reason being that the requisite five day notice (as required by standing order 24(5)) has not yet been reached. The Business Committee therefore, quite correctly noted the item as an item to come on to a subsequent Business Paper and Order Paper accordingly. The Government, on the other hand, had given an indication (it thought) from last Thursday the 18th of June, that this particular motion was to be put down on the Business Paper. Regrettably, the time that elapsed between the dispatch of the notice from the Government Administration Building, to the time it was received in the Clerk's office on the 23rd of June, consumed part of the notice that the Government intended to afford.



We therefore apologise for any inconvenience this short notice will now have caused. The Government attaches a very significant priority to this Motion and I would invite Honourable Members to respect that accordingly.

**MADAM SPEAKER:** The Motion before the House is that Standing Order 24(5) be suspended in order that Government Motion No.3 of 1992 appear on the Order Paper to be dealt with. The Motion is open for debate. The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, as a Member of the Business Committee, I honestly object to the fashion in which it is sought to deal with this most important and controversial issue. The Motion dealing with the hospital has been circulated to members and it says that it was tabled with a clerk on the 23rd of June which was only a couple of days ago and according to our Standing Orders that motion should not be dealt with until after five clear days, which would mean leaving out Saturday and Sunday, that we could not deal with that item. We should not put it on the Order papers on the agenda of the House until next week, Wednesday.

We know that the Member and the Government have been saying for some time, that they were going to bring this Motion in June and they were going to put it through. Well, if they knew this months ago, why did they not send it out in time? They also knew that this House would meet on the 22nd of June. You, Madam Speaker, had fixed the starting date for this meeting many months ago. So, there is no excuse and I am not surprised by the manner used because we were told, and in fact we received this in writing, that one Member of Government, the Member for Tourism, would not be here at the start of the meeting and we know that if the Member for Tourism was not present, and the Business Committee had received this in time and put it down for the start of business for the 22nd, the Motion certainly would have failed. It is my firm belief that the Government deliberately held back this Motion from the Members. It was no oversight. Something as important as this which the Member just introducing the Motion for the suspension has told us of the importance attached to it, could never be overlooked. The heads of all the civil servants would have been cut off if there had been any foul up and some clerk had failed to prepare the Motion and failed to bring it down to the clerk! I do not believe that happened! I believe it was deliberately held back to make certain that the Member for Tourism would be here so that his vote would be available to put the Motion through.

Well, he has arrived and the situation is, that by so doing, they have found themselves in the position where they will be delayed one week in their efforts to conclude this matter. I have to object to the suspension because it is showing a total disregard for our Standing Orders. The purpose for the Standing Order that says the Motion must be circulated for five clear days, is so Members may study the Motion but even more so that members of the public may know about it! That members of the press may know about it! That members of the public may have some input into it! This action today, seems to me, the kind of action that would be taken in Russia in the old days! Because the Government has the votes, the Government is paying no regard to rules of Democracy under which we have lived and in a high handed and ill thought out method, they are systematically destroying everything that has made this country great. I forcefully object to it and suggest that Members give the public the right that they should have to study this Motion, so that it will be dealt with next week and do not let the might of those eight feeble votes carry the day.

One sees how sick the Government is when one Member is away and Government can not function until he gets back! Then when he gets back, they have to throw out all the rules before one of them should get sick or get called off on another matter and it must be dealt with today. What is the urgency for this? I can not support the suspension and will vote against it.

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

**MR. W. McKEEVA BUSH:** Madam Speaker. I am not rising to debate motion but rising on a procedural matter and would hope that the Chair can give some directions. Standing Order 24(5), Madam Speaker, says that subject to the exception specified in paragraph 9, no Member shall make a motion unless he has given notice in writing of that motion, whether at some previous sitting of the House or to the Clerk not less than five clear days before the sitting at which such motion is to be made. Really, Madam Speaker, what the First Official Member is trying to accomplish, is trying to put this matter on the Order Paper. It seems to me that there has to be another suspension, this one is just suspending time. It seems to me that there has to be a suspension of Standing Orders to be able to take it at this point and time. I wonder if the Chair could give me or give the House in that, please.

**MADAM SPEAKER:** The matter has, in the opinion of the Chair, been suitably presented under 24(5), because 24(5) requires that five clear days notice should be given and it is in that respect the Member has moved the Motion to do away without the required five days notice and I have accepted that.

**MR. W. McKEEVA BUSH:** But, should we not be moving some other Standing Order to get to this point and time?

**MADAM SPEAKER:** I think probably the only Standing Order that we need to move, is that which gives the Member power to suspend Standing Orders, which is 83. Any of these Standing Orders may be suspended at any time for a specific purpose by the consent of the majority of Members and this is what is being sought.

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you Madam Speaker. This move by Government is a serious one because it deals with a very serious and controversial matter. Under proper Democratic which the Standing Orders make provision for a certain period of notice, the five days is to be given, so that the public and ourselves can be prepared and would have an opportunity of dealing with the matter after due consideration. This is not on the Order Paper. What Members of Government are now doing is to really come in prepared for what they wish to do and are now attempting to take away our right to have the Democratic period in which we can prepare ourselves to deal with the Motion. I had come today prepared to deal with the laws which are half finished that Government had been presenting. No specific reason for the urgency of why this Standing Order has to be waived and why the Motion has to be brought on now has been given. I do not understand why the full period of time to give the public, especially, a right to consider this matter must now be taken away from them.

If Government, Madam Speaker, is conducting its business in this manner, then there is no wonder why this country is in such a mess because they are short circuiting rules that are merely common courtesy reality, rather than following rules that make sense and are Democratic. I guess it probably boils down to the fact that Executive Council must have its way and even if Democracy gets in its way, they abolish that with it.

I am going to oppose this. It is wrong for Government to suspend this and this is, I want to point out, is a decision of Executive Council of which the Elected Members are the majority, despite the fact that it may be presented by the First Official Member and motion is an Elected Members motion. Lets put that square where it should go which is on the backs of the Executive Council.

All I can say further on this matter, Madam Speaker, is that it is really reaching a sad day when we have probably the most major motion that has come before this House for some time regards money being rammed through the House without the publics' input and while the Elected Members of the Back Bench are not ready for it, so I oppose it.

**MADAM SPEAKER:**

The Honourable Member for Education.

**HON. BENSON O. EBANKS:**

Madam Speaker, I support the Motion before the House and I am not surprised at the approach both the Second Elected Member for Bodden Town and the Third Elected Member for George Town have taken with this Motion, but surely, all of their charges have no foundation and are without substance.

In moving the Motion, the First Official Member clearly pointed out that the latter, with a motion, was dealt with at the Government Administration Building on the 18th of June but through some oversight or misadventure, it did not reach the office here until the 23rd. Had the Bill travelled in a normal way, it would have reached here for the five days notice and, Madam Speaker, be that as it may, I think the Standing Order which we are seeking to suspend says that the Motion shall not be brought unless five days notice has been given in writing or the notice could have been given at a previous sitting or meeting of the House.

To the best of my knowledge the Member for Health, both in his contribution on the Budget Debate last year and the Throne Speech earlier this year, indicated that this Motion would be coming to the House at this sitting, if it was not brought earlier at a special meeting. This was given wide publicity and the Member is recorded in the press when the announcement was made about the contract for the hospital. I say that the Motion would be brought to this sitting or meeting. So, it is totally irresponsible and erroneous to say that Members and the public have not been given notice that this Motion would be brought!

It is not a case of pulling something out of ones back pocket and putting it on the table for discussion. It only happens that through circumstances over which no one had control or can be blamed for, that the required technical five days was not complied with but every Member in this House has been expecting this Motion for some time. It is not news, it should not come as a shock. The public expects this Motion to be debated in this meeting. Therefore, Government is not taking away anyone's rights or playing any special game or doing away with Democracy. That is what happened when the people who are crying loudest used to pull bills out of their back pocket, suspend the Standing Order and Legislate them! This Motion, as I said, has been widely publicised and I see no reason why we should not vote for this Motion to suspend the Standing Order so that we can get on with the business.

Thank you very much, Madam Speaker.

**MADAM SPEAKER:**

The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, that the Government would take this route, is no shock to me. This Government has not done anything right since it was elected. I am objecting to the Motion for suspension to deal with the following motion. This Motion says that:

"WHEREAS it is provided under Section 28(1)(a) of the Public Finance and Audit Law that "No public officer shall give a guarantee involving any financial liability upon the Government unless such guarantee is given-

- (a) for the purpose of and in accordance with the provisions of a law or a resolution of the Legislative Assembly; or
- (b) with the prior approval of the Finance Committee";

BE IT THEREFORE RESOLVED THAT the Legislative Assembly of the Cayman Islands, acting in

accordance with section 28(1)(a) of the Public Finance and Audit Law, 1985, authorise the Government of the Cayman Islands to act as a guarantor in respect of a loan of CI\$18,000,000.00 (or the equivalent in United States Dollars) by the Bank of Nova Scotia, Barclays Bank PLC and the Canadian Imperial Bank of Commerce and Trust Company (Cayman ) Limited to the Cayman Islands Health Services Authority for the construction and equipping of a hospital in George Town, Grand Cayman and the expansion of the Faith Hospital in Cayman Brac."

Madam Speaker, this Motion, regardless of what the Member for Education might say, the Government had ample time to come about the business of this House in the usual manner.

The Member for Education says that this matter was dealt with on the 18th of June and he would like us to believe that from the 18th of June they could not get that motion to the Legislative Assembly until the 23rd. He went on to say, had the mail travelled in normal circumstances, or words to that effect, giving the impression that it was put in some mail post office, when every one of us know that mail travels to this Parliament via the Sergeant of Arms or someone in the departments at Government Administration Building. The Member for Education can not fool anyone in trying to get them to believe that this was some oversight on their part. This was, as far as I am concerned, the way that Government intended to go and I saw that from Monday, when they suspended the meetings of this House, until today. I complained then because of two days wasted, or at least a morning and a day. Yes, I can agree with the Government. They have the majority. When Government says the public expects that this Motion be debated in this meeting, I expected as well that this would be debated in this meeting but what I did not expect is that they would try hankey pankey but they did!

This is not the first instance. As a Member of the Business Committee, this was discussed in the Business Committee meeting and on the draft report of the Business Committee meeting, this is what it says, the Committee noted that Government motion No.3, Health Services Authority Loan Guarantee would be dealt with at the expiration of five days as provided by Standing Order 24(5). The Motion was circulated to Members on June 25th.

It was further noted that the Business Paper including this business would be circulated by the Department shortly. The Chairman of the Business Committee is the Leader of Government Business and is the First Official Member in this House and the Executive Council and he would have known what their route was but he did not say yesterday. Yet he agreed with this statement here in the draft report.

On that happening I received a notice yesterday that the Government was commanding the House to put this item of business on the Order Paper. We stood our ground and said, "Look, the Government can not command any Business Committee to do anything because it is the Business Committee that is set up under Motion No. 2, in 1988, setting up the Business Committee which sets out what the Business Committee should do." Having said that, I contacted the First Official Member this morning on my arrival to the Legislature and he said that Government was ordering us to put it on the Order Paper and I said that it would not happen on this Order Paper unless they do away with that particular motion.

I am really sick and tired of a minority Government using their sledge hammers to kill these things when it is quite easy for them to go the normal route. What is the rush to get this \$18,000,000.00? These are not normal circumstances, neither is it normal times but the Government has its extension cord and it is going to do as it pleases. My concern is not so much this Motion, not so much the attempt of suspension of Standing Orders, my concern is about the overall effect on this country and the future of our people on such an expenditure which I will deal with in the Motion coming up.

As I said in the beginning, this does not shock me because this House, I am afraid, has been turned into a Kangaroo Court from the beginning in 1989 when the Government lost its majority and have come with every conceivable idea to circumvent the rules, regulations and the normal way of doing business in a Parliament. Yet you heard them coming up, talking about this word "Parliament". If you hear them roll that "R" and roll that "L" you would have believed that Parliament was the most important thing for some of them. Yet, they take no cognisance of what real parliamentary business is.

Again, I contend, the normal procedure to go is to suspend under Standing Order No. 83, Standing Order 24(5) to enable the House to deal with it. I believe I am correct in saying that when we look at Standing Order No. 14 which sets out the arrangement of Business, and which says that in Government Business that bills in the order of Government Business, comes before Government motions, I believe that we need to suspend that Standing Order also. That sets out Standing Order 14, let me read it for the edification of the House.

Standing Order 14(1) says: "The business of each sitting other than the first sitting of a session shall be transacted in the following order, (unless Standing Orders otherwise permit). (a) Prayers", and we have done that this morning in the beginning. "(b) Administration of Oaths Or Affirmations," we did not need that today. "(c) Reading by the Presiding Officer of Messages and Announcements," none today on the Order Paper. "(d) Presentation of Petitions," None today on the Order Paper. "(e) Presentation of Papers and of Reports of Select and Standing Committees By Laying Them on the Table," that took place and was on our Order Paper. "(f) Questions to Members" "(g) Statements by Members of the Government ," there were none. "(h) Personal Explanations," there were none. "(i) Obituary and Other Ceremonial Speeches," none. "(j) Raising of Matters of Privilege," none." "(k) Other Business, motions and bills," none. "(i) Government Business", and it says that Government Business on this Standing Order is "(i) bills and (ii) motions."

Madam Speaker, I will not support this way of getting to debate this Motion. When the time comes, I hope God help me that I can remember because I really do not have all of my papers to deal with this Motion this morning. Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you Madam Speaker. I also rise to oppose the request by Government to suspend Standing Orders to enable them to introduce Motion 3 of 1992. You know the actions of Government this morning, is typical of the present Government, in dealing with such important and controversial issues in this House. They recognise that they have the seven Members of Executive Council bound on the collective responsibility and they have at least one extension on the Back Bench. They have abused that situation over and over again.

The Standing Orders are put in place as a guide for the conducting of business for this House. Standing Order 24(5) was put there for a purpose. The reason why it calls for five days, is to enable us as representatives of the people to have a chance to look at the proposed legislation or issue, to prepare ourselves properly to debate it and also it gives the members of the public an opportunity to also get copies of the particular motion or bill, have a look at it, and gives them ample time to lobby their representatives.

It is my contention, by going the route that Government has chosen to go, that all these privileges and rights have been eliminated. We were not told yesterday that this Motion was coming. It was sprung on us just this morning and some of us have not been able to prepare ourselves properly to debate it. But you know, all things must come to an end and even this Government I feel its end is drawing near. I oppose this approach as far as Government is concerned and when the question is put, I will be voting no.

Thank you.

**MADAM SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. I too am a Member of the Business Committee of this House and I sat through the meetings which have been eluded to by other Members of the Business Committee, and I conceded that it was not on the Business Paper and what has been said in the draft report is what was discussed. I can understand the concern of Government that this is an important issue and I would like to refer to the Motion 3 of 1992. It clearly states that under Section 28(1)(e) of The Public Finance and Audit Law, there are two ways in which a Loan Guarantee can be secured. Either by a resolution of the Legislative Assembly or with the prior approval of the Finance Committee. Much has been said here this morning concerning giving the people ample notice prior to this coming on the Order Paper. I have been a Member of this Honourable House for almost 12 years and I call to Honourable Members attention and the listening public that prior to the 390 Motion, Finance Committee approval was given without the public's input. We could not even tell the public what we had done until that Finance Committee report was tabled at the next session of the Legislative Assembly.

This Motion has certainly not been kept from the public. This Motion has been aired in every corner of the Cayman Islands. It has been on political platforms in every district, including my own.

Madam Speaker, what difference is five days or four days going to make? We came into this Honourable House when the Business Committee first met. We agreed to adjourn for the two days in order that the Honourable Elected Member responsible for Tourism, Aviation and Trade would be back here. We did not set down any questions to him, we did not talk about other business but we all understood that this Motion would probably be coming either today or tomorrow. I feel that it is not a matter that any Honourable Member needs to prepare themselves to debate this issue, for certainly it has been one of the most talked about issues in recent times.

I would like to go one thing further and say that it deals with an issue which this country needs. If the health of this nation is not important, I do not know what is. Therefore, I will support the suspension of Standing Orders.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town

**MR. ROY BODDEN:**

Madam Speaker, in rising to object to the suspension of Standing Orders, in order for this Motion to be brought before this Honourable House, I am reminded of an incident which the famous Greek historian Thucydides, wrote in his account of the Peloponnesian War, that incident has come to be known as the Melian Debate. The moral of it is that might will always triumph over right and we have that here this morning in the move to suspend these standing orders in order to bring a motion whose convenience suits the Government.

I am not surprised, neither am I unprepared because during my brief tenure here, I have learned that one can expect anything from this Government besides what is the correct procedure. I am prepared, whenever the debate comes at what ever level it takes, I am prepared to make my contribution. nevertheless, I am alarmed because we in these hallowed halls here, like to pout about the essence the importance of Parliamentary Democracy especially Westminster style and our Standing Orders are touted to be sacrosanct, yet the Government seems to ignore them and abuse them any time it suits its convenience.

I believe the reason why it is essential to table motions within a certain time is so that not only the Members of this Honourable House can have time to prepare, but we are also accountable to our constituents and the people for whom we represent. Certainly, it allows them time to consult with us and it allows them time to get to us regarding the position they think we should take in those matters which we should take into consideration.

I do not take as an excuse what the First Elected Member for

Cayman Brac says that the country needs a good system of health care as being the only consideration that we should give in supporting this Motion. We have all said what our positions are on that, we support that.

We have to be concerned not only that the procedures of this House are established and adhered to and I will vehemently oppose any waiving of the Standing Orders to bring this Motion at this time because it is uncalled for. It is part of the Governments continued efforts at deceit and obfuscation, in its attempt to bring this country into financial ruin by its mismanagement.

**MADAM SPEAKER:** If no other Member wishes to debate, I would ask the Honourable First Official Member to exercise his right to reply.

**HON. J. LEMUEL HURLSTON:** Thank you, Madam Speaker. In moving the Motion, I began by apologizing for any inconvenience that the Motion may cause because the Government accepts that there is some amount of inconvenience when matters are introduced without due and adequate notice. However, it is true to also observe that the Standing Orders are being followed in as much as the amendment is being sought in the proper fashion and democracy is indeed alive and at work because every Honourable Member has an opportunity to state his case.

The position, as I understand it is that whilst attending the Business Meeting yesterday morning, had I been aware of the view of the Government that if necessary, Standing Orders would have to be suspended to enable this Motion to proceed, I would have so informed the Business Committee. It was not until, in a meeting at four o'clock yesterday afternoon that the Government decided that it was important enough, that if necessary, the Standing Orders would have to be suspended. I so informed the Clerk. If, by so informing the Clerk, it would seem to convey the impression that the Government was commanding something, then that is unfortunate. The Government was simply stating what it intended to do and what it was hoping to achieve.

The position is that Government does have the ability to place Government Business in whatever order is convenient to the Government. The First Elected Member for West Bay quoted from Standing Order 14(1) and continuing under Standing Order 14, Sub Order (4), goes on to state: "Subject to the provisions of paragraphs (1) and (2) Members of the Government may place notices of motions and orders of the day on the Order Paper in any order they please."

I think that is a significant provision that enables Members of Government to arrange the Government Business at Government's convenience. Whilst we are apologetic for the inconvenience caused, we are not in any way taking away the Democratic right or privilege of Members of the House but the Government is doing what it sees best in all circumstances. There will be an opportunity, assuming that the Motion is successful, for the Member responsible for the Motion to explain to the House the reason why the matter is so important and of such a high priority to the Government and I do not propose to steal his thunder in that respect. My duty is to move the Motion and to invite Members to consider it.

I am grateful for the contribution in the debate and I think that perhaps it is now time to take the vote.

**MADAM SPEAKER:** The question before the House is the suspension of Standing Order 24(5) in order that Government Motion 3/92 be taken.

**QUESTION PUT: AYES AND NOES:**

**MR. W. McKEEVA BUSH:** May I have a division, please Madam Speaker?

**MADAM SPEAKER:** You certainly may.

### **DIVISION NO. 10/92**

**Ayes: 8**

Hon. Thomas C. Jefferson  
Hon. Anthony Smellie  
Hon. George McCarthy  
Hon. W. Norman Bodden  
Hon. Benson O. Ebanks  
Hon. D. Ezzard Miller  
Hon. Linford A. Pierson  
Capt. Mabry S. Kirkconnell

**Noes: 7**

Mr. W. McKeeva Bush  
Mr. John D. Jefferson, Jr  
Mr. Truman Bodden  
Mr. Roy Bodden  
Mr. G. Haig Bodden  
Mr. Gilbert A. McLean  
Mr. John B. McLean

**AGREED BY MAJORITY:**

**STANDING ORDER 24(5) SUSPENDED TO ENABLE  
GOVERNMENT MOTION NO.3/92 TO BE TAKEN WITHOUT DUE  
NOTICE.**

**THE HOUSE SUSPENDED AT 12:40 P.M.**

**THE HOUSE RESUMED AT 2:03 P.M.**

**MADAM SPEAKER:** Please be seated. Proceedings are resumed. Government Motion No. 3/92 is now on the Orders of the day and will be proceeded with the Honourable Member for Health and Social Services.

**HON. D. EZZARD MILLER:** Thank you, Madam Speaker.  
I beg to move Motion No. 3/92 which reads as follows:

**CAYMAN ISLANDS HEALTH SERVICES AUTHORITY  
LOAN GUARANTEE**

WHEREAS it is provided under section 28(1) (a) of the Public Finance and Audit Law that "No public officer shall give a guarantee involving any financial liability upon the Government unless such guarantee is given -

- (a) for the purposes of and in accordance with the provisions of a law or a resolution of the Legislative Assembly; or
- (b) with the prior approval of the Finance Committee.";

BE IT THEREFORE RESOLVED THAT the Legislative Assembly of the Cayman islands, acting in accordance with section 28(1) (a) of the Public Finance and Audit Law, 1985, authorise the Government of the Cayman Islands to act as guarantor in respect of a loan of C\$18,000,000.00 (or the equivalent in United States Dollar) by the Bank of Nova Scotia, Barclays Bank PLC and the Canadian Imperial Bank of Commerce and Trust Company (Cayman) Limited to the Cayman Islands Health Services Authority for the construction and equipping of a hospital in George Town, Grand Cayman and the expansion of the Faith Hospital in Cayman Brac.

**MADAM SPEAKER:** Does the Honourable Member wish to speak thereon?

**HON. D. EZZARD MILLER:** Thank you, Madam Speaker. This Motion represents the final hurdle after three years of hard work by the Government, in particularly the staff of my Portfolio and the Hospital before we start to construct the new Hospital. I would like to express publicly my sincere gratitude to all those who gave of their time and talents to this cause in the face of so much criticism.

I would also like to thank those who so vigorously opposed and criticised the project from its inception including the Members of the Backbench group because they provided the incentive and motivation for all those concerned with the project to rise to the occasion and produce an even better product. Because of their criticism we were more motivated to produce the project within the Budget which had been announced some two years ago even while improving the quality of the project.

Madam Speaker, the urgency in bringing this matter before parliament today lies in the fact that some of the bids, in particularly those successful tenderers, which have bid on this project have been in hand in some cases for over 90 days and we need to enter into the negotiations necessary to sign the contracts committing to the bids that have been successful.

I would point out at this juncture that no other project in the history of the Cayman Islands Government has had to meet the requirement that bids which conform that it could be done for the budgeted figure had to be in hand prior to seeking the guarantee from Government. Normally the guarantee was given on a budget and then it was put out to tender and awarded. I think it is time for the detractors to admit that we have delivered the goods and to join forces with us to ensure the quickest implementation so that the kind of hospital and health care facilities which our people deserve and whom we are privileged to represent, can have the benefits of.

The hospital project in Grand Cayman and the expansion and improvement to the Faith Hospital in Cayman Brac has undergone more scrutiny and tests than any other project of any Government in the history of this country. And that, I believe is as it should be. All projects of Government should be developed using public involvement of the people of this country to ensure the best possible product. However, when one chooses to take that democratic route one has to be prepared to take the criticism that such public participation brings because individuals, members of the public can only criticise what you are doing if you are prepared to tell them what you are doing.

One also has to be prepared in this type of democratic process to separate genuine criticism from that which only represents self-serving detractions for either political, economic, professional or personal reasons to which everyone in this country in this democratic process is entitled to and should be given the opportunity. The Government and the Health Services Authority have as part of the developmental exercise for this project sought to demonstrate the possibility that the project could be financially feasible and that it is affordable and that the health care system can pay for itself. However, I must hasten to add that this project should not be decided on financial grounds but should be decided on social needs as a persons health is their wealth and without good health and the proper facilities to maintain that health; proper facilities to treat disease and the proper facilities for the prevention of disease in the first place; There can be no economic growth in this country or even happiness among our people.

Successive Governments of the Cayman Islands have provided our people, residents and visitors with infrastructure to have one of the highest quality of life that exists in the world today, such as good schools, good roads, pension fund provision for civil servants, good air service, good port

service, good Civil Service facilities, a good judicial system with proper facilities, good parliamentary systems and proper parliamentary facilities, potable water, sewage systems. All of these contribute to the quality of life which our people enjoy and of which they are so proud; which provides them with economic opportunity; happiness and the contentment that our people enjoy. However, all of those infrastructural provisions can easily be justified on social grounds. Hardly any can be proven to have been financially feasible prior to their provision for the people of this country.

The proposed hospital should be treated no different. It is a social need which our people need as part of the infrastructure in order to continue to enjoy that quality of life. Schools for educational opportunity amongst our people could never be justified as financially feasible. Education and the provision of school facilities is the only social aspect of projects of this quality of life that equates to or approaches the importance of one's health, the provision of facilities to maintain that health, the provision of facilities to treat those which have disease and the provision of facilities to prevent disease in the first place.

It is now time this Government is convinced, Madam Speaker, to bring our health care facilities up to this level, to continue this success story and take our people to even greater heights in this whole quality of life provision. It has now been demonstrated through the public tendering process that the project can be completed within the budget and to the quality level it has been designed. The contracts for all of the five components are written in such a way to ensure compliance with that which was designed.

Just to elucidate some of the controls that the Health Services Authority and the Government has placed on the implementation of this project; the contract form is a lump sum, fixed price amount. There is a stipulated construction schedule for completion. There are references in the contract to contract documents. We are using the American Institute of Architects format to ensure that the project is to be built in accordance with the contract documents. Contract documents in addition to the formal contract which is signed have in association with it 150 pages of architectural drawings, the graphic depiction of the buildings design requirements. Some 1,250 pages of detailed specifications, specifications which stipulate building codes, a reference standards to measure project installation and quality.

We went through the process of identification of specific vendors and manufacturer products which were acceptable to the quality of the product we are trying to get and we have refused to allow the bidders to make substitutions for anything that was specified by manufacturer, part number, quantity and quality. We have specified the methods of installation and the requirements. In addition other general conditions of the contract we are using identify specific procedures for the conduct of work. It requires the architect engineer review of shop drawings, material and product sample submittals by the contractor which will require monthly meetings to review the progress of work. It stipulates a payment basis for the schedule, it provides for periodic observation of work by the architect engineer to determine if the work is proceeding in accordance with the contract.

It requires monthly reports by the contractor to demonstrate his compliance with these specifications and graphic design sheets. It requires insurance by the contractor. It requires the contractor to post a performance bond of \$1 million by the contractor, so that if he fails to meet any of these specifications we can call in that performance bond if we have to get somebody else to correct it.

In order to control the payment system the contractor must submit detailed schedules in advance of commencing work for approval by the owner, who, in this case, is the Health Services Authority. The contractor must submit in advance of work a schedule of values which provides a detailed elemental cost break-down of tender. Schedules of values are the basis for measuring monthly pay requests reflecting work performed and materials purchases and secured. In other words, Madam Speaker, the contractor first has to complete the work. The work has to be certified as being completed in the quantities which he has claimed prior to payment for any work being done.

Payments are based on work in place which has been completed in accordance with the schedule requirements. The work in place in addition to being measured by the contractor is measured by the architects, engineers, quantity surveyor and agreed to in advance of each monthly pay application by the contractor. In addition the Health Services Authority has taken another step in that it has employed its own project engineer, who has been involved in the building of several hospitals in the international field, to check and further certify what the architects and the quantity surveyors have agreed as to work that has been completed by the contractor prior to it being submitted to the Health Services Authorities Finance Department for payment.

In addition the contracts call for the retention of five per cent on each payment applied for. Half of that five per cent retention is released on testing and various methods used to determine that the work done complies with the strict schedules for specifications and performance. Upon the final completion of the building and after the hand-over to the owner, a further retention is maintained so that the contractor has to honour his guarantee to the Health Services Authority. Any defects, liability period of one year from final completion is in force. Final retention will be released only on the completion of the defects period.

Any attempt to, as the former Presiding Officer in this House talked about during the constitutional debate, in an effort to apply belts and braces for these controls the Health Services Authority, as I mentioned earlier, has first of all retained the architects and engineers who did the design work to monitor the implementation of the construction project to make sure it is in compliance with what they designed and what we approved.

The reasons for that is they have the most knowledge about the project, they are experienced with local conditions, they are experienced with hospital construction and they will provide monthly reports on the progress of the project to the Board of the Health Services Authority and they will chair all of the monthly meetings. In addition, the Health Services Authority, has secured the services of a project manager for on-site representation on behalf of the Authority. He will have daily contact with the project. He will

supervise a lot of the activities on the project. He is experienced in hospital construction and he will be expected to prepare for the Chief Executive Officer of the Health Services Authority a daily report which will allow us to act promptly to resolve issues which might crop up. He can coordinate equipment packages with the general contractor, he can coordinate with the owners, vendors and other contractors with that of the general contractor and make sure that the project is working smoothly and we can meet the dead-line we have set for the end of 1993 for the completion of this project.

Now, I have tried there to demonstrate to this Honourable House and to the people that the Health Services Authority said the project can be completed within a specified budget. We have demonstrated that is possible through the public bidding process. We have selected all tenderers and we have a half a million dollar contingency within the \$16 million budget.

The details I just outlined are to give the Members of this House the confidence that we are going to do what we say we are going to do and that we have put in place the necessary checks and balances and mechanisms to ensure that the project is completed on schedule within budget. As I said earlier, most social projects of this social need for the community are not judged on their financial feasibility or affordability but on such projects as hospitals, schools carry such a high social need and impact that they should be judged on the fact that the country cannot afford not to build and complete this project of this nature at this time.

If it is not done at this time it is going to have other adverse effects on the country. Caymanians deserve better than we have, residence who bring economic improvement are concerned and would like to see such improvement in the health care infrastructure of this country. Tourists are concerned about the level of health care provision in this country. To delay this project would only 1) - increase its cost; something I am sure no Honourable Member in this House would like to see happen. Delay the provision of an improved and better service that our people, the people who we are privileged to serve as their representatives in this country need, deserve and should be given.

There is unlikely to be a better time to this project. Right now construction is down so we have the best window of opportunity to get competitive prices. This has been clearly demonstrated in the public tendering process of the new hospital. Interest rates are down in the financial institutions. They are not likely to go lower in the next several years. In all likelihood they will climb, once again increasing the cost of the project. Delay will only force our good dedicated health care workers to continue to be limited in their ability to give good care to the people of this country by restrictions in physical facilities and equipment.

Much has been said about the priority of Government in its provision of social needs for the people of this country. We have provided them over the last couple of years with a new Community College, new infant school in West Bay, improvements to all of the schools in fact, in all of the districts. We are in the process of starting, in fact construction has started, for a new primary school for the District of George Town. We have provided them with potable water being expanded as far east as Bodden Town and into West Bay at the present time. It is now the hospital's turn. We must now move forward to provide our citizens with the kind of facilities that they need in order to deliver the highest possible quality of health care to our people.

The new hospital, although, a very important part of the National Health Plan, was not the number one priority of the Government in the terms of its implementation of the 15 year national health plan which was decided and Tabled in this House in January, 1990. What were our priorities? First of all, we improved consolidated our over-seas tertiary care. We put in place a new management format for the health services through the introduction of the Health Services Authority in order to be more cost effective and efficient in providing services to our people.

We made improvements at all the district clinics in the Island including but not limited to in most instances a doubling of the frequency at which the doctor visited the districts. We have made improvements to the present facility through staff, equipment, new facilities like the Dental Clinic in cooperation and in conjunction with the Lions, a brand new Eye Clinic. We have provided the mechanism to protect our people from catastrophic financial loss in the time of sickness through the National Health Insurance.

The new hospital is now needed in order to continue to up-grade that provision. Quite recently in the media due to a seminar within my Portfolio the half-way house and the drug programme have come in for some notice in the public eye. Part of the utilisation of the existing facilities are to provide services that we cannot now provide - aids and cancer hospice, we all know from experience how the landlords have reacted in that situation.

We will provide improved mental day care and residential component on the present site. We can use some of it for the half-way house because if we go out in the community to convert an ordinary dwelling house to a half-way house we have to first have Planning permission and it is a matter of public record that the Education Department in its attempt to put in a special school in one of Government owned houses, in a community, was denied Planning permission because of the concerns of the residents in that particular area.

The National Health Plan takes a comprehensive and all-embracing approach to the improvement of the quality of health care to our people. The new hospital is an integral part of that improvement and it is now time to implement that project. This beloved country of ours and its people deserve the very best. They deserve and they need improvements in our health facilities and since we have met the major concerns of the detractors I implore all Members of this Honourable House to have a social conscience. Vote for the Motion on the floor of this House.

Thank you.

**MADAM SPEAKER:**

The question before the Honourable House is Government Motion No. 3/92 Cayman Islands Health Services Authority Loan Guarantee in the sum of CI\$18 million or the



equivalent of US dollars for the construction and equipping of a hospital in George Town Grand Cayman and the expansion of the Faith Hospital in Cayman Brac. The Motion is now open for debate.

The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. I rise to vehemently oppose this Motion that calls for a guarantee in the sum of CI\$18 million to secure the financing of the new hospital for these Islands. I want to say up front that I am sorry to disappoint the Member in his call for the Members of this House to support this project because I have always opposed this project and I have no intention at this stage to change that position.

It is my opinion, that this project is the financial death-knell of this country. This Government has been successful in threatening the financial survival of our national airline, Cayman Airways, through their inability to heed sound financial advice from the Backbench and the advice from the responsible citizens of this country. This Government is once again refusing to heed the advice from the Backbench and the advice of the majority of responsible citizens of this country on this issue of the new hospital. We do not need it and we cannot afford it. But, Executive Council, Madam Speaker, including the Member for Communication and Works, who I understood originally opposed this project, and was not prepared to support it because his findings were that his people did not want it. I am disappointed that that Member has allowed the Member for Health, along with the other Elected Members of Executive Council to be bridled under Collective Responsibility to support this project.

I believe that the people of this country and especially the people of George Town who, the Member for Communication represents, would have preferred for him to have stuck with his original position and if necessary resign his seat on Executive Council, walked across the floor here and joined us on the Backbench rather than putting himself in the position where he supported this very controversial project. It is no secret, and we are all aware that the financial position of the Government in this country is not good. With the addition of an additional minimum of \$18 million for the new hospital, and it is my opinion, that at the end of the day when all costs are tallied, the cost of that project will be much more. But, even saying \$18 million, it means that our public debt in this country will rise to approximately \$104 million. Not a pleasant position at all when our reserves stand at approximately \$10 million.

It appears that the agenda of the present Government is to leave this country in such a financial mess at the end of their administration, that the new Government which will take over after the General Elections in November, 1992, which I hope to be a part of, will have a difficult time cleaning up and will also slow the process of getting this country back on the right track financially. It is my opinion that the financial survival of this country is at stake and I would urge every responsible and concerned citizen of this country to stand up and say, enough is enough! If this means, as we have had to do in the past, if this means that we, as concerned and responsible people of this country, have to march to get that message across, then I am prepared to get in there and march with my people.

If it means putting political pressure on the Elected Members of Government, then let us put pressure on them. What has to be understood by this Government is that we, as representatives of the people of this country, and our people, have had enough of their irresponsibility and the madness displayed by the present Government. We must stop it and we must stop it now. We have continuously, as Backbenchers, confirmed our commitment to the people of this country to provide them with good health care. In the past, we have supported the Member's requests for this purpose when those requests have been reasonable and affordable. For example, I think about two years ago a request was brought by the Member for approval for a sum of \$1.5 million for certain needed renovations at the present Hospital including improvements to the surgical ward and also to implement certain systems that would improve the quality of service offered by the Hospital to the members of the public. He got that permission or approval, Madam Speaker. But, it is my understanding that all of these improvements were not done and eventually part of those funds were used for other purposes.

The other issue that I would like to address is why was the contract for the new hospital not awarded through the Central Tenders Committee, as was promised by the Government in its Government Minute of 1991 and in compliance with the Financial and Stores Regulations which requires all contracts in excess of \$100,000 being subject to awards through the Central Tenders Committee? I must also ask the Member who awarded the contract? And, why did it have to be awarded to Hurlston Construction? I have to wonder if there has been an agreement between this Government and that company which basically ensures that all Government contracts are awarded to this company. Madam Speaker, you have so many other capable contractors in this country. Something is wrong and we must address now this very serious situation.

It was also mentioned by the Member that this project would be submitted to the Public Service Investment Committee, (PSIC) for their review and evaluation and recommendations. Was this done? If it was, what were the findings of the PSIC? And as promised, I would appreciate if the Member would make copies of that report available to Members of this House.

What the people of this country must realise is that we as Backbenchers, despite our strong objections, are not in a position to stop this \$18 million project from going through since Government with the seven Members of Executive Council, that is the four Elected Members and the three Official Members bound under collective responsibility only need one vote from the Backbench to put this project through. The First Elected Member for Cayman Brac has already said that he is supporting the project, so it will go through. They have the votes, it will go through. So the only people who are in a position to prevent this project from going forward are the people of this country.

I must also say to those financial institutions who have agreed to fund this project, that is the Bank of Nova Scotia, CIBC and Barclays, I must say to them that I feel that they are being very irresponsible in their commitment to this country to see that they are prepared to fund such a project

that does not have the support of the majority of the Elected Members of this House and a majority of the people of this country.

I wonder if they would have been as eager to fund this project if Government refused to guarantee the financing? It also appears that at least one of the General Managers of one of these institutions have already been rewarded for his support because just recently one of the senior managers was honoured by Government on the Queen's birthday. It is also my information that another senior officer of one of the other banks is also a member of the Health Service Authority. In my opinion there appears to be the possibility of a conflict of interests.

Such irresponsible actions by the financial community will eventually destroy the very environment and financial success we have all fought and worked so hard to create in this country. It appears that the Cayman Islands are fast headed down the stream, the same stream that all of our other Caribbean neighbours have taken and gone, that is, the stream to financial ruin and social hardships. There is a provision in the \$18 million request of \$1.5 million for the improvements to the Faith Hospital in Cayman Brac. We do not have any objection to that. And, a request of that nature could have been submitted to this Legislative Assembly or Finance Committee long before now and would have had no problem receiving approval. But you see, the Member is being clever in that, he is trying to tie in the two Members from Cayman Brac into saying, well all right, if you support the \$18 million, you will get your \$1.5 million that are necessary for the improvements for the Faith Hospital.

So, Madam Speaker, I am deeply concerned with the present financial position of this country. I am deeply concerned about the financial survival of this country and the welfare of our people. For a long time we have been able to boast of having one of the highest per capital incomes of any place in the world. We have been able to boast of financial prudence by Government. We have been able to boast of basically a debt free Government.

As a matter of fact, what was interesting, was that recently in some conference the model and policies that have been a part of Government over the years have been adopted by some of the other Caribbean countries. They now see the folly of their ways. They now see the need for financial prudence and restraint. But, it might be too late for those countries and I am concerned that with the project like the one which is being proposed here this afternoon, another \$18 million that the financial position of the Cayman Islands will be greatly jeopardised.

I will not support this Motion and I once again I urge the people of this country to stand up and tell the Elected Members of Government that enough is enough.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, no person in his right mind would support the Motion put forward by the Member as the Member presented so little evidence to justify the case which he has brought. The plain fact is that the statistics which the Government amassed have shown the Member that he does not need to provide more beds. He needs to provide better diagnostic facilities and he needs to provide additional staff, maybe, to operate this equipment if he is to give this country better health care.

The plain fact is that no-one is going to Miami to seek health care because he or she cannot get a bed at the hospital. People are going to Miami because they cannot get their brain scans done and they cannot get other tests done which could well be done here if the Member would listen to 90 per cent of the medical profession in these Islands. But, you know, if the Member did this, there would be no need or they would be unable to feed the Cleveland Clinic and other institutions with which they have big fat contracts. So the purpose of this hospital is not to provide cheaper or better health care, I do not think they remember the people of the Cayman Islands at all.

Sometime ago, I understood the Member to have said that he was going to let us have the report that had been done by Governments Investment Committee. The Public Sector Investment Committee which is charged with studying Government's projects to find out if the Government should embark upon them at a particular time to find out if they are financially feasible. It is my understanding that the advice of that committee was not to go ahead with the hospital and this is why the Member gets up and spouts nonsense about we should not consider whether we can afford the hospital or not, we should go ahead and build it because we need better health care. Providing more beds is not better health care.

He talks about borrowing \$18 million and does not tell us where the money is going to come from to repay this \$18 million because it was our understanding from him that when he quadrupled the hospital fees from \$50 per day to \$200 per day, that was necessary to pay for the services which would be provided at the hospital. We were told when he was pushing through, railroading the Health Insurance Law that there would be a cost of under \$50 per month. Forty something dollars per month per person for their health insurance and we found out that his statement was not true. We have seen in the paper where it will cost for people over age 65 something like \$170+ per month for these people.

It is my recollection that we were told at that time that he had agreement from the insurance industry that the charge for the premium would be that \$43 or \$44 or whatever it was he talked about. I understand that is untrue! There has been no agreement from the industry and I challenge him to tell me or to show this House in writing today or when he winds up where the insurance carriers have guaranteed that they will only charge that forty odd dollars per month. This is why I am concerned because all of the projections given to us, all the assumptions made are false.

I have here a graph which details the reasons why the Government is building more beds. I say to this House, if the Government looks again at this graph they will see

there is no need for more beds. Graph No. 1 shows that from 1985, to 1990, there has been a steady decline in patient days at the hospital. Yet, from 1992 to the year 2001, the graph takes a new direction and goes upward. In fact it goes off the paper, it goes up into the sky. It shows in Graph 3 that from 1985 to 1990 there has been a steady decline in the length of stay in the hospital. From 1985 to 1990 there has been a steady decline. This is accepted. You will have a steady decline because as the health of the country improves, patients are going to stay a shorter time in the hospital.

We have another reason. One is the high cost of staying there now. It is so high that a women having a baby has to leave as soon as the baby is delivered because the maternity fees are so high. But health wise the length of stay is declining. If this is happening, why do we need to increase the present facility by the addition of all these new beds? Graph No. 4(a) shows that from 1985 to 1991 there was an up and down in the casualty visits. But the significant fact is, that in 1991, that is last year, the casualty visits were less than six years ago, 1985. Yet, they predict in spite of this fact that the casualty visits are going to be nearly double by the year 2001. We could go through this whole booklet and we would find the same things. The statistics against the construction of the more beds.

Members of this House have received horror stories from people at the hospital. We have received letters from patients that visited the hospital. I have not had a single story or letter complaining that there was no bed. They all say we wish we had had a little better care. Then the Member gets up today and tries to let us believe that the tourists are worried about our health facilities being so poor. I have read over the last five years, perhaps a dozen or more letters in the newspaper, written by visitors, who attended at the hospital and everyone of those letters spoke of the excellent care they received.

Only a couple of days ago I met somebody, I think he was a crew member from a cruise ship, who had to go to the hospital and I showed him how he would get there. He mentioned about another crew member that had been to the hospital who was completely satisfied. They did not tell me about any broken down building that had to be replaced. I believe the Government is not telling us the reason why they want this \$18 million contract. Because the feeble attempts they have made to produce statistics to show the need belie the fact that they need anything.

I am concerned that this hospital project from the very start has not followed normal procedures. We heard the last speaker talking about the circumvention of the tendering procedures. I see that the Governor has just refused to renew the contract for Mr. Nicholas Treen and we know that is the Auditor General who dared to speak out against this present Executive Council for not following the procedures and putting out contracts of over \$100,000 for proper tender. Now the Governor refuses to renew the contract of the Auditor General, paving the way for this project to go on the way they have started it. I think the next Government must carry out a full investigation to see if this contract has been carried out in the professional manner that they claim it is being done to determine why the haste and why the Government has not complied with all the checks and balances which they know should be complied with.

One thing I want the public to know that this hospital is not the Ezzard Miller Hospital. This hospital is the product of every Elected Member of Executive Council; all four of the Elected Members. The Member for Tourism knows full well, as was reported in the paper this morning, that they need a lot of money for Cayman Airways, and I believe that before this Meeting is out, the Finance Committee is going to receive an application for \$15 or \$20 million for Cayman Airways. They know it! We know that the Member for Tourism has hidden the accounts of Cayman Airways that were out in June 1991, the audited accounts, a year old and the Member still has them under wraps. One of the reasons for pushing this project today....

**HON. W. NORMAN BODDEN:**

Madam Speaker.

**MR. G. HAIG BODDEN:**  
Accounts.

....is so that we can get this out of the way before he Tables the

**MADAM SPEAKER:**

Honourable Member were you rising on a Point of Order?

#### POINT OF ORDER

**HON. W. NORMAN BODDEN:**

Yes, Madam Speaker. Under Standing Order 35, I think the Member is imputing improper motives to another Member. Sub-order (4) and I do not think he should be making that sort of wild accusations when he knows it is totally unfounded.

**MADAM SPEAKER:**

Honourable Member, I would ask you to be a little more careful in future. I believe you do a lot of things in jest, but let us not have anything in jest. Please proceed in an orderly mannerly debate.

**MR. G. HAIG BODDEN:**

Certainly, Madam Speaker. I knew he had no Point of Order, it was his usual disorder. All I said were facts. The Member has kept the Accounts for one year. The audited accounts for June 1991, will be Tabled sometime later in this House and that is all I am saying. They have been kept under wraps for one year. Anyway, I am glad to know that for once I have reached him.

Also, the other speaker mentioned that it had been rumored the Member for Communications did not want to support the project but is doing so. I would like the public to know that that Member cannot hide behind collective responsibility. Collective responsibility does not come into play until after the Executive Council decides on the project. If the Elected Members of Executive Council had not agreed amongst themselves to put forward this project, they would not have to worry about collective responsibility.

Collective responsibility, as I understand it under the Constitution, what the wordings says is: "The Member so charged with responsibility shall support in the Legislative Assembly any matter decided by Council." But he is not bound by collective responsibility when he sits in Executive Council. He could vote against it and they could not touch him. We know how the constitution is written. If he voted against it today, they still cannot touch him. There is no provision in the constitution to do anything to any Member that does not vote with the Government. The Governor may ask him to resign, but that is as far as it would go. He may take away his Portfolio, but he cannot take him out of Executive Council and he cannot take him out of this House. We know that they support it because they want to support it and that is clear.

The other matter I would like to mention is that the public must know that while our health services and the method for paying for them, not including the construction of the hospital, is based upon the Bermuda Plan of Insurance, there is a move afoot in Bermuda right now and in another three or four months we are very likely to see a doubling of the insurance premiums there.

The Member introducing this Motion started out by saying that health is important. He is talking to the converted, if he was speaking for the benefit of the Backbench. We know that, but we cannot be reckless about it. If we follow what he promoted this morning, that we go ahead and spend regardless of whether we can afford it, we will soon be like some of the other Caribbean countries that are out there trying to borrow money just to pay the interest on the money they borrowed in their greed to provide grandiose projects that the country could not afford.

My contention is that the present Government has not prioritised their projects. They have tried to buy everything out of the one paycheck they have and that is the paycheck from 1988 until November 1992. They are using that four years to do everything in the world and we know their are families like that. But they do not get very far. They try to overdue instead of doing the prudent thing of buying what they can buy each month, paying for what they can pay, even getting what loans they can pay for, but do not go over-board with your spending. This Government has not seen fit to do this.

Each Member of Executive Council has selected one major project whose financing would take the entire resources of the Government over the four years to complete. But each Member is trying to do his own thing and this is why we have the sorry mess that we are in. Huge deficits for the first time, astronomical debt, having to change the composition of Finance Committee because they could not convince the Backbenchers that what they were doing was sensible and having to coerce by collective responsibility the Elected Members of Executive Council force them to vote and carry them along hand-cuffed to the slaughter.

When this Motion was presented to us we learned for the first time that Nova Scotia Bank, Canadian Imperial Bank of Commerce (CIBC) and Barclays Bank were the three banks that would be financing this project. I must say I am surprised, although I heard somethings I did not know. I did not know that one of the senior officers was a member of the Health Authority. I did not know that one of the managers had received the OBE, which stands for "Our Best Efforts". I did not know that, but the Member tried to make us believe that we should go ahead with this Motion today because we knew about it for such a long time. He had advertised he was bringing it for such a long time but we did not know the details. We did not know the names of these banks. This comes as news to me, yesterday when I received the Motion for the first time.

I will say with the stingy attitude of Barclays, Scotia and CIBC, to individual Caymanians; to honest hard-working Caymanians when they seek a loan the restrictions they put upon them, the collateral they ask for, it is amazing these three multi-national institutions would stoop to finance a loan for the Health Authority that has nothing to repay it with, seeking only the Government's guarantee. Having knowledge of what it takes to repay loans they know that the honest and hard-working Caymanian who has been saddled with the heavy tax packages, which this Executive Council put upon us in the last four years will have to be taxed even higher to pay for it. They go along with it and to say the least, I am disgusted with their attitude.

It is strange that when the Member put forward this Motion, he did not mention the suspension which we had gotten in his behalf earlier, neither had he debated the suspension. You can see these Members are uneasy. They must have sleepless nights. I am truly alarmed at this Motion being debated today. I always thought that we lived in a land where there was a separation of the powers where the Executive Council was separated from the Legislative Assembly. I did not know that parliament could be ordered around by the Member for Health.

I am alarmed that they are shoving down the throats of our people a constitutional change which will also put the judges in the hands of those Elected Members. This Motion is ill-timed because it comes as one Member mentioned at a time when the country is saddled with a heavy public debt. We, who live in the Caribbean, know that any small island the only resources we have are the people. The islands in the Caribbean and the countries around it that have forgotten that, and some of the had other natural resources that we do not have, are now suffering. The main thing that put them in trouble was borrowing all the money they could get and we are on a dangerous road.

The Member in introducing this Motion seemed to gloat over the fact that he was putting it through in spite of the criticism he had received. This has been the attitude of the Government that the people can have their say but Executive Council will have its way. When the Member for Education coined that phrase, we did not know it would become immortal but time is on our side because their time is running out.

The Member introducing the Motion told us some fancy story about this had to be done today because the good contractors that were getting the contract had their bid in over 90 days ago. I am asking the question, why should a Government be held hostage to a specific contractor? They made a bid and if they do not want to wait until the finances are in order, let them go their way. Government should not be held hostage or is there some other explanation which the Member is going to give? I am wondering if the

reason is not that the Member has visited the site of this new hospital after these rains and is afraid that more rains may fall and he may not be able to find the site unless he uses a submarine? Because, there is too much water on that site for any work to be done this week.

So many questions arise with this. Why have the renovations at the Faith Hospital been tied to the construction of a new hospital? Why were the funds that were voted sometime ago for the renovation of our hospital used for this one? Do not let anybody be fooled about \$18 million. We have already spent some of the money that they are not counting. We took a part of that \$1.5 million and spent it on this new hospital. We took nearly a million dollars and paid the contractors and somebody is paying for these ads that I see appearing all the time, these full page ads. When I try to find out they tell me it is not Government paying for them. I wonder who is paying?

You will remember these full page ads which cost roughly probably not less than \$700 in the newspaper. The first one we saw was this nonsense about "in the beginning there was" and I look down to see if it really said in the beginning there was light but it stopped at "in the beginning there was". But the next day on April 8th, we saw another one saying "in the beginning there was confusion", now the Health Authority did not have to pay \$1,400 to tell us there was confusion. There is confusion in these people. Deep seated confusion.

On April 9th, we see another full page ad that says, "in the beginning there was confusion, then came", the picture shows chaos, they do not say what it is, but I know what it is. "In the beginning there was confusion, then came chaos". Pure chaos. Go and talk to the staff at the hospital! Go and talk to the nurses and the doctors and the people that are being victimised! Go and talk to the patients and there is utter chaos! They cannot open their mouths before somebody runs and whispers to the Lords that be. They are being victimised and intimidated and we hear about free consultation. Let one of them open their mouths. Ask Doctor McIntyre and other doctors that I could name!

We understand they even went on television referring to people in the medical profession here as too old to cut the mustard and being incompetent. A disgrace! The statements were libelous and they should have taken action against these people.

**MADAM SPEAKER:**  
take the suspension?

Honourable Member have you reached a point where we might

**MR. G. HAIG BODDEN:**

Yes, Madam Speaker.

**MADAM SPEAKER:**

The House will be suspended for fifteen minutes.

#### AT 3:45 P.M. THE HOUSE WAS SUSPENDED

#### HOUSE RESUMED AT 4:04 P.M.

**MADAM SPEAKER:**  
Town, continuing the debate.

Please be seated. The Second Elected Member for Bodden

**MR. G. HAIG BODDEN:**

Madam Speaker, when we took the adjournment I had been dealing with some of the full page ads that have appeared in the local press. I will not continue with them with the exception of one, although there are five or six or more of them because they become more disgusting as they go on. But there is one ad which purports to give facts about the new hospital. It is called "Facts Concerning the New Hospital of the Cayman Islands No. 2. How Will the New Hospital be Paid For?"

A loan from a local bank CI\$16 million, yearly repayment \$2 million. And it goes on to read: "The 10 year financial projections prepared by the Health Services Authority and certified by international accountants Ernst & Young, demonstrates that this repayment schedule is feasible." I say that ad is really not worth the paper it is written on. This was the opinion of Dr. Clarence James from Bermuda, who was the man that established the Bermuda Health Care system which we are supposed to follow. He had this to say in a letter which he wrote to the Cayman Islands Medical & Dental Association:

"In my view, such detailed forecasted projections of receipts and expenditure are practically worthless. They are usually produced as a public relations exercise in an effort to promote a specific project which in this case is the Health Authorities new hospital. Beyond a year or two, it is impractical to develop any real accuracy in future predictions in health matters and to expand such projections to ten years is laughable."

That comes from Dr. Clarence James.

I would like the Member in winding up, to tell us how much has been spent on telling the public that we are building a hospital. How much has been spent for the Islands. All the tickets that they gave away at the doors of the meetings, what it cost to take all these hi-tech people out to the districts and all the promotions. Just let us know and why is it necessary if this thing is so good? Why do they need such a hard sell campaign to get the public to swallow it?

My experience in Government has been that normally if the country wants it, they tell you! You do not have to pay advertising people to brainwash the public. The Member gives as a reason for building this hospital now and only now is that construction is down. Perhaps he should tell us

why! Construction is down because of the policies of the Government that we have had enforced in the last four years.

Another policy that I would like to lay to rest is that the Government is not building a hospital on one site. They will have a split site hospital with some of the services remaining of the old site. A hospital is not a medical building, it is medical services and if you split the services, you are indeed splitting the hospital. It is going to result in additional cost to the people of this country because some of the doctors will be at one site, some will be at the others. Some staff will be at one, they will need the same equipment at both sites and so on. There will probably even be confusion with the public trying to find out where they have to go.

The Cayman Island Medical and Dental Society sent out a message which was made public and I would just like to quote the final paragraph which gives their conclusion. It says and I quote; "The country's Medical Society remains opposed to the split site concept. While the Member for Health has maintained that he is not splitting the site, simply splitting the services, this statement makes no sense. A hospital is not a medical building it is medical services. If you split the services, you are indeed splitting the hospital. We have pointed out before that this poses a threat to patients and an inconvenience to health workers. We have pointed out before that this can also compromise patient care. We have pointed out before that this has got to be the most costly way to run an institution, particularly with such a tight national budget and so many financial constraints.

So far, what we have said appears to have fallen on deaf ears but we intend to continue speaking in the hope that common sense will take hold. Does this not sound familiar? The Backbenchers talked until they were tired about the change of equipment in Cayman Airways, the Government would not listen. They went ahead and ended up paying five or six times as much for the equipment they are renting and they are renting shabby and worn out equipment.

So, what is shown here is that we are not getting a hospital for the \$18,000,000.00. We are getting only half a hospital for the \$18,000,000.00. The little bit that will be left over for the equipment for this hospital will not furnish a new hospital. This is the sad part. I think we are going to end up like we did in the Cayman Airways deal with inferior equipment and this is where we will have a further breakdown in health services.

Quite recently, at a conference here, at a meeting of the Board of Governors of the Caribbean Development Bank, the Governor of the bank said that the people of this region must learn to live within their means and I think that he was talking specifically to the people with deaf ears because he knows these small islands in the Caribbean have limited resources and while they may have these high tech hospitals, like the one that Ellerby Beckett built in Oslo, Norway and like the one they are trying to force on us here. Can we really afford it?

We are embarking on a dangerous ground and in fact, the architects themselves admit, in speaking about this modern hospital, which is similar in design and I believe provided a module for the hospital in the swamp here. They admitted being a modernist is hard, abandoning received tradition, denying universal truth. Few modern architects have embraced such articles of modernist faith. They go on to say how many have adhered and stayed to the traditional methods of building.

We have heard the Member tell us about this lake he is going to have with the water lilies floating in it, flamingos and ducks swimming but I would like to pose the question this evening. Are not conventional rectangular blocks of buildings connected by walkways equally functional and easier and less costly to construct? We have been told about this donut building with bird wings spreading out from it but is it not extravagant and expensive to build in a circle or at elaborate slanted angles?

In talking to one contractor that it would not be easy to lay the blocks for this building because of the shape and I think that when these people, these architects, built this hospital in Norway, they entered into an experimentation. I am saying that we are too poor to experiment because they talk about reaching a level of design experimentation that is almost unprecedented to large operations.

The Member at the close tried to put on an alter call, despite the fact that he had not laid the foundation to convert anyone, neither by statistics or by his manner, but simply asks us to not judge what he is doing on a financial basis or the affordability of it. I think he said the country can not afford not to complete and build this project. What nonsense to come from a Member of Executive Council and to be endorsed by the Member for Education and the other two Members! He said that Caymanians deserve better than we have, and I applaud him for that. Caymanians deserve better Government than we have!

Madam Speaker, I close by saying that what I did in the beginning - I would not be in my right mind if I supported a project which this country can ill afford.

**MADAM SPEAKER:**  
like to continue with the debate?

We have approximately eight minutes left, would any Member

Third Elected Member for George Town

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. This Motion has been brought to this House in a hurry and it obviously is in the interest of the Elected Members for Executive Council to hurry it through and wherever possible, to take the necessary short cuts that will further their aims of railroading this through this House.

The Motion itself is one that cuts across basic democratic principles, as I will show in detail later on because there are Elected Members on the Executive Council who know that the decision they are taking to support it must be one which is not in accordance with the wishes of the majority of the people. Notwithstanding what was attempted to have been given as a reasonable excuse when this

Motion was brought under the waived Standing Orders, it is clear to me that as far as the principles of Members in this House being representatives of the people, of the Cayman Islands School, this Motion we have here today is a very clear indication that the Members of Executive Council are not going to listen to the people of this country. They are not going to listen to a majority of the Elected Members of this House and that they intend to have their way at any cost.

It is around the question of cost when we realise that the payment for it has to be from the people of this country where we find not only the short circuiting of Democracy but we find in my opinion, a lack of social respect for the people of this country who must ultimately bear the bill that this is going to create through paying either higher fees or higher taxes or somehow paying for the mistakes of this Government.

The rush for this has come because the Government has gone ahead and had its Statutory Authority execute a contract which obviously it does not have the money to fulfill and it must now motivate this House to provide a guarantee which I will submit at a later stage, is the sole reason why the banks are lending this vast sum to a project which obviously can not stand on its own feet. If it could do so, there would be no need whatsoever, for a guarantee or alternatively a guarantee of this amount and it could have been layered so that when a part of the risk was taken out of it then the guarantee would fall away. So, the beginning of this Motion, like the long string of the attempts to deal with the Health Service problems of this country has arisen, in my view, in the wrong way.

I have no problem with the \$1.5 million for the Cayman Brac Hospital and there I believe that this is something that is necessary but it is also something that is affordable. It has been a premeditated effort on the part of especially the Member for Health to attempt to tie together two subjects, one good and one bad, roll it up together and present it in one package so that Members are forced to cast a single vote in relation to what are two separate matters and which, if separated, would have a different support and objection when the time comes to vote.

That is a cowardly way and a mischievous way of dealing with the issue because it basically is saying that you either do or do not vote for a motion that in effect could have been split. In fact, the Cayman Brac part of that could probably have been brought before the Finance Committee, and could have been dealt with it in that way.

**MADAM SPEAKER:**

It is now 4:30. We will take a motion for adjournment.

#### **ADJOURNMENT**

**HON. J. LEMUEL HURLSTON:**  
now adjourn until 10:00 a.m. tomorrow.

Madam Speaker, I beg to move that this Honourable House do

**MADAM SPEAKER:**  
until 10:00 tomorrow morning. I shall put the question.

**QUESTION PUT: AGREED.**

**AT 4:00 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10: A.M.,  
FRIDAY, 26TH JUNE, 1992.**

**FRIDAY  
26TH JUNE, 1992  
10:14 A.M.**

**MADAM SPEAKER:** Prayers by the Honourable Temporary Second Official Member.

**PRAYERS**

**HON. ANTHONY SMELLIE:** 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 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.

**RAISING OF MATTERS**

**OMISSION OF PRESENTATION OF PAPERS ON THE ORDER PAPER**

**MR. G. HAIG BODDEN:** Madam Speaker, just before you move on to questions. There was a matter I should have brought to your attention before the Meeting started but I was unable to do so because I have just found out about it. There seems to be an omission on the Order Paper as the accounts of Cayman Airways should have been tabled this morning and if you look at the Minutes, you will see that a question regarding these accounts is not on the Order Paper because it had been suggested that the accounts would be on. I am wondering if you could take an adjournment so that the Order Paper could be amended since this is a just a typographical error.

**MADAM SPEAKER:** In view of what the Member has said, unless there is any debate, I propose that you might adjourn for five minutes for this to be corrected because I think the Business Committee did have this down and it must have been just an omission. The House will be suspended for five minutes.

**AT 10:18 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 10:48 A.M.**

**MADAM SPEAKER:** Please be seated. I wish to apologise for the long delay - the lazer printers are good, but some of them are a bit slow in reproducing papers. I also wish to thank the Second Elected Member for Bodden Town for bringing the matter of the Report of Cayman Airways to the attention of the House. The report, I understand was sent out to Members on the 17th of June, so it has had over a week and should have been on the Paper.

May we now proceed with the presentation of Papers and Reports? Cayman Airways Limited, Financial Statements, as at 30th June, 1991, the Honourable Elected Member responsible for Tourism, Aviation and Trade.

**PRESENTATION OF PAPERS AND REPORTS**

**CAYMAN AIRWAYS LIMITED'S FINANCIAL STATEMENTS AS AT 30TH JUNE, 1991**

**HON. W. NORMAN BODDEN:** Thank you, Madam Speaker. Before I formally present Cayman Airways Financial Statements, let me say that it was my understanding yesterday that the Business Committee had



decided that the Accounts of Cayman Airways would be put on the Order Paper today. So I came here this morning, prepared to present the Cayman Airways Financial Statements. When I arrived I noted that the item was not listed on the Order Paper and I called this to the attention of the Honourable First Official Member, the Leader of Government Business, and it was decided that because it would take sometime to correct the Order Paper, that the accounts could be tabled on Monday. I agreed to that deferral on those grounds, however I would like to make it abundantly clear that the fact that this item was not on the Order Paper originally, was not due to any manoeuvring or any fault of my own because the *Hansards* of this House will bear out that for the past seven years that I have been the Member responsible for the subject of Cayman Airways, that the accounts of that company have been tabled each November, each year, for a financial year that ends in June, except 1991. I am sorry about this delay, which is not the usual, since I have been responsible for the subject, but it was brought about by the problems that developed with the Guinness Peate Aviation (GPA) settlement which I am pleased to say has now been signed by both Cayman Airways and GPA.

Madam Speaker, I beg to lay on the table of this Honourable House, the Audited Financial Statements of Cayman Airways for the financial year ended 30th June, 1991.

**MADAM SPEAKER:**

So Ordered.

**HON. W. NORMAN BODDEN:**

Madam Speaker, the audited accounts clearly set out the serious financial condition of the national airline as of the end of June 1991. These accounts are supplemented by explanatory notes as well as the auditor's letter dated the 3rd March, 1992. At the end of this period Cayman Airways revenue earnings showed a slight increase over the previous year, that is from \$40.9 million in 1990, to \$41.2 million in 1991. However, expenses were increased substantially from a total of \$42.9 million in 1990, to \$49.3 million in 1991. After adjustments were made for non-operating expenses, the airline ended up in 1991, with an operating loss of US\$8.6 million, that is before accounting for unusual items and that loss is compared with the loss of \$2.6 million the year before.

The main areas of increased costs were in Flying Operations, Aircraft and Traffic Servicing and General and Administration. These increases in cost were incurred due to increased flight operations in an effort to gain market share, substantial fuel increases, government authorities in various countries increasing landing fees and other airport charges. Due to so many airlines closing down in 1991, the agencies had to recover their costs and therefore increase costs to existing operators. Airport handling charges were also increased at various airports and there were substantial increases in rentals as companies tried to spread their costs to recover from the losses they were experiencing. These, combined with the effects of tough competition in declining market conditions forced the airline to work harder than ever before in a desperate attempt to survive and to maintain market share.

Records show that Cayman Airways was but one of many airlines in this struggle during a year that will remain as the worst in the history of commercial aviation; when United States airlines alone lost more money than have ever been made in all of their history, an amount of \$6.5 billion; a time when once proud and mighty giant airlines, such as Pan American World Airways and Eastern Airlines ceased their operation after some 57 years and companies such as TWA, American West and Continental filed bankruptcy proceedings.

In note 11 of the Financial Statements, the auditors have supplied full and complete details of the Guinness Peate Aviation settlement which in termination penalty payments, aircraft out of service rentals, maintenance checks, repainting, plus legal and other costs, totalled \$5.3 million. Adding this amount to the operating loss of \$8.6 million, brings the net loss to US\$14.3 million for the financial year ended June 30th, 1991. I suppose I should point out for the benefit of the listening public, who would not have access to the published accounts yet, that in quoting these figures it should be borne in mind that these amounts represent losses suffered by the airline and not amounts paid by Government to Cayman Airways.

Government has been up until 1991, providing \$1 million a year subsidy, apart from guarantees given to cover bank overdrafts and the GPA settlement which Finance Committee in the past approved and would be well aware of. The auditors have summarized the situation in their letter to the members of Cayman Airways where they stated and I quote:

"At the 30th of June 1991, the companies current liabilities exceeded its current assets by \$16.5 million and its total liabilities exceeded its total assets by \$11.8 million and therefore the company was technically insolvent."

[They went on to state in that same letter:]

"The company is wholly dependent upon the financial support of the Government of the Cayman Islands, if it is to be able to discharge its obligations and continue as a going concern. While measures taken over the past year are beginning to show slightly better results and 1992 is forecast to produce some improvement over 1991, quite obviously in order for Cayman Airways to continue to operate it will have to be put in a position to start paying its creditors. It will have to be able to reduce to some extent the accumulated debts that it has accumulated over the past 24 years and in order for Cayman Airways to accomplish this, Government will have to provide some form of further financial assistance, some method of restructuring the airline, as it has to do from time to time in the past, in order to put the airline on a stronger footing so that it can continue to provide the valuable air services to and from and within these Islands and to continue to make the substantially meaningful contribution to our countries tourism and economic development."

I sincerely trust that all Honourable Members will support this when the time comes. Thank you, Madam Speaker.

**MADAM SPEAKER:** It is now almost 11 o'clock and I think in order to proceed with questions we need to have suspension of Standing Orders.

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

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move the suspension of Standing Orders 23(7) and (8) in order to deal with questions.

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

**MADAM SPEAKER:** Questions, the first question is No. 77, the Elected Member for East End.

### QUESTIONS TO HONOURABLE MEMBERS

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

**NO. 77:** Can the Honourable Member say: (a) how many additional staff members have been employed by Cayman Airways Limited since January 1992 to date; and (b) in what areas were the additional employees placed?

**ANSWER:** Since January 1992, Cayman Airways Limited has employed an additional 14 staff members. These new staff were placed in Ticket Offices, Sales, In-Flight and Maintenance.

#### SUPPLEMENTARIES:

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell the House the nationalities of the 14 individuals employed?

**HON. W. NORMAN BODDEN:** No, Madam Speaker, I do not have the nationalities but I know from the statistics which have been provided, that the majority of those 14 were hired in Grand Cayman.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us how many of these individuals were employed locally and how many in the United States of America?

**HON. W. NORMAN BODDEN:** Madam Speaker, I did say that to the best of my knowledge the majority were employed in Grand Cayman. I believe it probably would be nine in Grand Cayman and five in overseas offices.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Could the Member further say if one of these employed were to replace the individual who was dismissed from servicing and maintenance?

**HON. W. NORMAN BODDEN:** No, Madam Speaker, I am unable to confirm that.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say why the airline continues to employ additional people in the light of its straitened financial position?

**HON. W. NORMAN BODDEN:** Madam Speaker, it should be borne in mind that since December, 1991, Pan American ceased operation to the Cayman Islands and Cayman Airways has endeavoured since then to take up the slack and to provide additional services in order to adequately serve the market and the travelling public. What they have done since January, was to employ additional staff to extend their office hours in reservations to much longer hours to endeavour to improve their reservation services, to increase their sales staff and also to increase their check-in staff so that they can provide a better service. Based on the results that the company has experienced, at least for the first quarter of 1992, the results are beginning to pay off because the revenue earning are up substantially over the same period a year ago.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say what is the additional cost of these new staff members and if that cost has been justified by the additional revenue?

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker, the cost of the 14 additional staff is approximately US\$20,000 per month and the overall salary increase projected for 1992, is 2.8 per cent increase and the overall increase in revenue so far has been approximately 30 per cent.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us exactly how one is employed say, to the office in the United States of America, versus here in Grand Cayman?

**HON. W. NORMAN BODDEN:** Madam Speaker, I am not totally familiar with the procedure, but I would imagine that when there are increases or posts become vacant, they would I imagine check internally to see if there are persons who can fill the new position? Other than that, they would solicit, I guess, applications through ads and once the applications were made, the Personnel Manager, or the head of the department would form part of a panel to interview the applicants and then the decision is made. I would think that the normal procedure would be followed in recruitment.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member say whether the Managing Director is aware of all those who may be employed in the U.S. office?

**HON. W. NORMAN BODDEN:** I am not sure if he is aware of all those who may be employed there. If the Member is referring to those presently in post, I am sure that the Managing Director must be familiar with who they are and what they are doing. He would have to be well aware of that and I am sure he is.

**MADAM SPEAKER:** The next question is No. 78, 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 TOURISM AVIATION AND TRADE**

**NO. 78:** Can the Honourable Member state what steps, if any, have been taken to reduce the expenses of Cayman Airways Limited since January 1992?

**ANSWER:** Careful scrutiny is being exercised over expenses and measures are being taken to make reductions in any area which the Company can effectively control without deteriorating the quality of service. Improved fuel and insurance rates have been negotiated, revision of handling fees and reduction of catering costs, system wide, are being examined and efforts to reduce costs, where possible, continue on an on-going basis.

**SUPPLEMENTARIES**

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could tell us how does the acquiring of addition planes effect expenses and by whom were these steps initiated?

**HON. W. NORMAN BODDEN:** Madam Speaker, the Member is asking about the acquisition of additional planes. I am not aware that the company has acquired any additional planes. What I am aware of is that the company had extended a lease for three months on an aircraft which they are currently operating. The cost of aircraft currently leased by Cayman Airways, that is the -200 and -300, that I am referring to the rental rates are very, very attractive. I think they range from \$75,000 to \$100,000 per month.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** I wonder, Madam Speaker, if the Member could say if it is the intention of management to cut back on larger and more costly areas in an effort to try to cut expenses within the airline?

**HON. W. NORMAN BODDEN:** Madam Speaker, I did say that the efforts to reduce costs where possible, continue on an on-going basis and that is a matter of policy. I am sure that those efforts will be constantly under review and the major items are in the fuel costs and insurance and other areas that I have identified. I am certain that the management of the company is continuing to review these costs and reduce them where possible.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Honourable Member say if there has been any negotiations in regard to saving money on the lease of equipment? That is, lease of the aircraft?

**HON. W. NORMAN BODDEN:** Madam Speaker, in the airline industry today the rates that Cayman Airways is paying for the aircraft that they lease, is considered to be the most attractive rates in the business and I do not believe that they can get those rates below what they are presently paying. I think they are very attractive prices because of the state of the market at the present time.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** I wonder if the Member could tell us if any steps or thought been given to perhaps cutting back on one of the present airplanes that are leased, so to help the financial position of the airlines?

**HON. W. NORMAN BODDEN:** Madam Speaker, the plan for the company, as far as aircraft rentals are concerned, is to have the two -200s which they have been operating, the one -300 which was due to go back last month or early this month has been extended to the end of August in order to provide the level of service that the company needs to provide for the summer traffic. Efforts are continuing to sub-let the -400 which they are operating because the company recognises that the ideal aircraft complement, as far as the companies operations are concerned, is to have one -300 and the three -200s in service and this is what the company is working towards.

**MADAM SPEAKER:** The next question is No. 79, 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 TOURISM AVIATION AND TRADE**

**NO. 79:** Would the Honourable Member say what portion of the bookings of Cayman Airways Limited are made direct - customer to airline - and what portion is made through travel agents/wholesale, etcetera?

**ANSWER:** Although Cayman Airways Limited has made tremendous progress in the level of sophistication in its reservations' system, it is impossible for Cayman Airways to say accurately what portion of the bookings are made direct and what are made through travel agents/wholesalers.

**HON. W. NORMAN BODDEN:** This is the written response, Madam Speaker, but in addition to that I can reply to the Member and to the House to state that a ball-park figure would be about 70 per cent.

**SUPPLEMENTARIES**

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say whether it is correct that certain customers have been directed to travel agents by agents from CAL?

**HON. W. NORMAN BODDEN:** No, Madam Speaker, I am not aware of that. I am aware of local people who go directly to the airline in preference to a travel agent.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could say whether the position of booking made direct to CAL, has there been any noticeable difference since American Airline has added additional flights?

**MADAM SPEAKER:** I do not know if the Honourable Member could answer that, it is not a part of the substantive question. If he can answer it, he may do so.

**HON. W. NORMAN BODDEN:** Thank you, Madam Speaker. I was going to make the point that it is far afield from the substantive question, but my reply to that supplementary would be that the company has not noticed any substantial increase thus far. However, it must be borne in mind that the operation referred to by American Airlines, has only been conducted for the past three weeks. I can assure the Member and the House that the operation is being monitored very closely by Cayman Airways.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, the Member indicated that about 70 per cent of the passengers book directly with the airline. I am wondering if he could tell us whether that 70 per cent is evenly

distributed between the passengers leaving Cayman and the passengers coming into Cayman?

**HON. W. NORMAN BODDEN:** Madam Speaker, first of all the 70 per cent that I referred to covers the portion of reservations made through travel agents and wholesalers, not booking directly with the airline. As to the split, I am not able to say.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. In light of the reply, where it states that Cayman Airways has made tremendous progress in the level of sophistication in its reservation system, why is so difficult for the airline to identify what portion they pay in money to travel agents and wholesalers which would, I think, obviously reflect the number of bookings and persons?

**HON. W. NORMAN BODDEN:** Madam Speaker, they could identify that but nevertheless, that would not be an accurate amount, or would not give an accurate amount of the passengers that book on and travel via Cayman Airways. That sort of data they would have for those who have booked directly through their own ticket offices but those reservations which are made over the telephone, it would be difficult for their reservations department to identify exactly whether they originated with a travel agent or a wholesaler or exactly how the booking came. I think because of the computerised system, a search would have to be carried out on separate bookings to really accurately produce that sort of statistic.

**MADAM SPEAKER:** The next question is No. 80, standing in the name of the First Elected Member for Bodden Town.

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

**NO. 80:** Would the Honourable Member say what is the current balance in the PrisCraft Account; who administers this account; and what are the regulations which govern the use of these funds?

**ANSWER:** The PrisCraft account is administered by the Prison Director. The account is subject to audit by the Auditor General's Department. The regulation governing the use of Priscraft funds states: "Expenditure from the account is at the discretion of the Prison Director, but must be related to beneficial use of the prison service and, in particular, to the improvement and expansion of training and vocational facilities for prisoners, with a view to increasing the quantity and quality of work produced". The balance of the account, which is held at Cayman National Bank, as at 18th June, 1992, was CI\$19,470.27.

**SUPPLEMENTARIES**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say whether the administering of this account is the exclusive domain of the Prison Director or do other senior officers at the prison have discretionary privileges?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the Prison Director is ultimately responsible for the account. It is possible that he may delegate responsibility for certain decisions to senior officers and I have a feeling that that is how it is done on a day to day basis.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Honourable Member say if this amount of money is held in an interest bearing account?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, it is.

**MADAM SPEAKER:** If there is no further supplementary, the next question is No. 81, standing in the name of the First Elected Member for Bodden Town.

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

**NO. 81:** Would the Honourable Member say what penalties exist for prisoners who break the rules inside prison?

**ANSWER:** Disciplinary awards against prisoners are laid down in Rule 39(1) of the Prison Rules (1981). A copy of the Rule is attached.

**Attachment**

"Disciplinary Awards.

39. (1) Where an offence against discipline has been proved, any one or more of the following disciplinary awards may be made by an officer nominated by the Director -

- (a) caution;
- (b) forfeiture of any privilege for a period not exceeding twenty-eight days;
- (c) exclusion from associated work for a period not exceeding fourteen days;
- (d) stoppage of earnings for a period not exceeding twenty-eight days;
- (e) cellular confinement for a period not exceeding three days, subject to the approval of the Chief Medical Officer;
- (f) forfeiture of remission, or in the case of a prisoner, not then sentenced, of prospective remission for a period not exceeding twenty-eight days;
- (g) forfeiture for any period, in the case of a prisoner entitled thereto under the Law or these Rules, of -
  - (i) the right to be supplied with meals from outside prison; and
  - (ii) the right to have articles in his possession;
- (h) in addition to any of the above awards, payment by the prisoner toward the repair or replacement of anything he has damaged or destroyed."

**SUPPLEMENTARIES**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say if in those cases where prisoners go before a disciplinary board, as a result of complaints made by officers, if any attempt is made to ensure that the sanctions ordered are carried out in such a way that the officer making the complaint is not subject to disrespect and derision by the prisoner?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, the organisation of the hearing of breaches of rules is conducted in such a manner as to enable the evidence to be presented, explanations on defence carefully recorded and the decision handed down in an atmosphere of understanding with firm discipline and clear direction.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you. I wonder if the Member can say if there have been any cases where prison wardens have made complaints against prisoners and the wardens themselves, have been subject to reprimand as well as derision from the prisoners?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I am not aware of the details of any such incident. However, I am aware that there will be occasions when attempts will be made to circumvent normal and proper procedures. That is why the department is structured with a rank structure, so that if a decision is taken at a junior rank that is considered inappropriate, the matter can be referred to a more senior rank for further intervention and corrective action.

**MADAM SPEAKER:** The question is No. 82, standing in the name of the First Elected Member for Bodden Town.

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

**NO. 82:** Would the Honourable Member say how many officers were hired in the most recent prison

officer recruitment campaign; how many of these officers are Caymanian; and what are the nationalities of the other recruited officers?

**ANSWER:** Ten officers were recruited. Their nationalities are as follows:-

Caymanians	2
Guyanese	1 (spouse of Caymanian)
Nicaraguan	1
Belizeans	2
Jamaicans	4
Total	10

#### SUPPLEMENTARIES

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say if the officers whose nationalities are not Caymanian, were recruited from these Islands, or if they were recruited from overseas?

**HON. J. LEMUEL HURLSTON:** To the best of my knowledge, all applicants responded to advertisements placed locally. No overseas advertisements were placed on this occasion.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us some of the problems or reasons why it seemed like the prison officer recruiter has a problem in recruiting Caymanians?

**HON. J. LEMUEL HURLSTON:** Yes, there is a difficulty in recruiting adequate numbers of qualified Caymanians into the Prison Service. This is a continual difficulty. It is the sort of work that firstly, it is shift oriented, it is a disciplinary organisation and frankly, we do not have large numbers of Caymanians seeking employment in the disciplinary branches of work, neither do we find them seeking as a first option careers which are shift oriented and rather unsociable in their hours.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say, among the two Belizean recruits, if they are any relation to a certain high ranking officer now in the prison system?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, one of the two Belizean hired on this occasion is related to a senior officer in the department.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us the exact relationship of the Belize officer to the recruit and at the same time if he could tell us if it is correct that certain Caymanians were turned away and preference given to the Belizean officer?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the relationship between the senior officer and the new recruit is that he is a brother. I have no knowledge of any Caymanian that was qualified being turned away at all. On the contrary, Caymanians are being encouraged to seek employment in the prison.

**MADAM SPEAKER:** The next question stands in the name of the Second Elected Member for Bodden Town, No. 83.

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

**NO. 83:** Would the Honourable Member say what is the cost to date of the Jennet L Road including the high security wall, the garden and the flashing lights on Shedden Road?

**ANSWER:** The cost for the Jennet "L" to date is \$979,137.00. The breakdown for this amount is \$622,387.00 for land and \$356,750.00 for construction. The construction cost includes the wall at the corner of Shedden Road and the flashing pedestrian crossing lights across Shedden Road. The landscaping plants were donated by Mr. Leonard Ebanks on behalf of First Home Banking and landscaping services were donated by Mrs. Margaret Barwick of The Jungle Ltd.

## SUPPLEMENTARIES

**MADAM SPEAKER:**

The Elected Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could give us the cost of the wall and tell us the reason why the wall was built there? And if it was built with the consent of the adjoining land owners?

**HON. LINFORD A. PIERSON:**

Madam Speaker, the last question first. We did not seek the permission of the adjoining land owners on this. It was built on Government's property in a commercial zone. The break-down of the cost for the landscaping is as follows; the wall and landscaping is \$11,000; pedestrian crossing light system \$9,000; Jennet L street lights \$15,000; sidewalks \$38,115; paving \$97,370; curb gutter \$36,160; other works, that is clearing, base drainage well survey, etcetera, \$150,105; for the total cost of \$356,750. This additional information was not requested but it might save the House in case he intended to ask these questions.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, I recently received an invitation to what I understand will be the biggest party of the year, to a reception for the opening of this road, will the Member tell us what the cost of that reception is planned to be?

**HON. LINFORD A. PIERSON:**

Madam Speaker, I think the Member is being somewhat factitious, but I am not sure whether it is the biggest or the smallest, I do know when the airport was opened initially, that was a very big party. We are planning to open the Jennet L on July 2nd, which is next Thursday, it is going to be at 5:30, all Members of the House are invited, including the public, and as far as the cost goes on this, we have not finally decided on the total cost of this yet.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. Could the Honourable Member say whether this sum of \$979,137 spent on Jennet L, was more than the total maintenance of all the other roads in the three Islands?

**HON. LINFORD A. PIERSON:**

Madam Speaker, I do not have that information available on the total maintenance costs of all the other roads. This would seem to be more for a substantive question but I will get this information for the Honourable Member, if he so requires. As regards the question asked earlier by the Second Elected Member for Bodden Town, the amount of funds that were maybe needed in refreshments and so on at the Jennet L opening, will be donated for that purpose.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you. Would the Honourable Member say what is the practical purpose of the pedestrian crossing, which seems to begin in the middle of the road, go south to nowhere, to a vacant lot?

**HON. LINFORD A. PIERSON:**

Madam Speaker, I will appreciate that the Jennet L road has caused some amount of controversy because it is the best built road on this Island, with certain security measures in the road that is not available in other roads and the question being asked by the Third Member for George Town is one of those security aspects that has been put on this road and it was designed by Public Works and built in accordance with the design specifications.

**MADAM SPEAKER:**

The Elected Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could say if the policy used by Government with regard to constructing this fence, applies through-out the Island, whereby Government owns property and Government builds on it without consulting the land owners adjoining?

**HON. LINFORD A. PIERSON:**

Madam Speaker, as the Honourable Member asking the supplementary should be aware, we would not have been able to build that without Planning permission and this is all that is required. The wall was built there, if he looks carefully, he will note that a garden has been developed in that area and the wall was built as a backdrop to that garden to avoid the soil from spilling over into the adjoining properties.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, can the Member tell us how many feet of road have been built for this cost of almost \$1 million?

**HON. LINFORD A. PIERSON:**

Madam Speaker, the length of road is 1,532 feet of equivalent 24



foot road, was 1,808 feet of sidewalk, five street light pole were included in the project.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Thank you, Madam Speaker. It was my understanding that some of the businesses in that area that have access to the Jennet L were going to contribute to a portion of that cost. I wonder if the Member could confirm if that were done and what was the amount contributed?

**HON. LINFORD A. PIERSON:** Madam Speaker, I had hoped to give this information in my remarks at the opening of the Jennet L, which incidently will be named Dr. Roys Drive. The amount donated, other than what was previously mentioned, was US\$40,000. I should mention here that I was disappointed in not getting a further support on this from the private sector, but I am grateful for what I received.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Thank you, Madam Speaker. I wonder if the Member could name the companies who made these donations?

**MR. JOHN D. JEFFERSON, JR:** Madam Speaker, the company was connected with the Ansbacher group, I cannot remember right off the name of the company.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker, would the Honourable Member say, if he can, whether this is the most expensive piece of road per foot in the Island?

**HON. LINFORD A. PIERSON:** Yes, Madam Speaker, and it is the best built road on the Island.

**MADAM SPEAKER:** I will allow one further supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member tell us why it is we are unable to get potholes filled in the Bodden Town roads, when he has lavished so much money to make this the prima donna of all roads?

**HON. LINFORD A. PIERSON:** Madam Speaker, that may be a reflection on the representation for Bodden Town, but I will only say that it is not lavished, it was a properly built road and that I have before the Financial Secretary right now an application for funds for doing quite a lot of maintenance work, not only in Bodden Town, but throughout the Islands, including Cayman Brac and Little Cayman.

**MADAM SPEAKER:** The next question is No. 84, 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. 84:** Will the Honourable Member give details on the number of Caymanians in management employment in the hospitality industry?

**ANSWER:** Seven Caymanians presently hold managerial positions in the following institutions:

Hyatt	-	Manager
Hyatt	-	2 Assistant Managers
Windjammer	-	Manager
Villa Caribe	-	Manager
Morritt's Tortuga	-	Manager
Cayman Kai	-	Manager

Of the 61 condominiums registered in the Cayman Islands, 35 are managed by Caymanians. Of 60 restaurants, 20 are managed by Caymanians.

**SUPPLEMENTARIES**

**MADAM SPEAKER:** Supplementary, Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Thank you, Madam Speaker. I notice that only Hyatt has any Caymanians in management. I wonder if the Member is aware of the recruiting and training policies of the other large hotels and what are those policies?

**HON. W. NORMAN BODDEN:** Madam Speaker, I am not totally familiar with their training policies. But, the procedure that I would expect to be followed up that would produce the results of putting Caymanians in managerial positions would be the arrangement that is in place in regards to the Caymanians Protection Board, in dealing with applications from hotels to fill their positions. Therefore, there should be an on-going process where hotels especially and other properties have to submit their training programmes to the Board before applications are dealt with or approved.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, would the Honourable Member say how many hotels there are, he has given this for condos and restaurants, if he knows?

**HON. W. NORMAN BODDEN:** I do not have the exact number, but I think it is probably around 70 of varying sizes, of course.

**MADAM SPEAKER:** The next question is No. 85, 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 HEALTH AND SOCIAL SERVICES**

**NO. 85:** Would the Honourable Member give the names of the local Banks which have expressed an interest in financing the new hospital, providing the necessary terms and conditions for such financing?

**ANSWER:** The names of the Banks are Barclays Bank, Canadian Imperial Bank of Commerce and Bank of Nova Scotia. The terms and conditions have not been finalised, but are proposed to be libor, plus 1-1/2 per cent for ten years, with a balloon payment at the end of the 10 years.

**SUPPLEMENTARIES**

**MADAM SPEAKER:** Supplementary, the Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Thank you, Madam Speaker. I wonder if the Member has a break-down as to amounts that have been agreed by each bank as far as financing of the total requested?

**HON. D. EZZARD MILLER:** No, Madam Speaker.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Could the Honourable Member say whether the reason for having a full guarantee by Government on this loan, is because the banks will be looking to Government rather than the Health Services Authority for payment?

**HON. D. EZZARD MILLER:** Madam Speaker, I guess the answer to that is, yes, like all Government projects in the past and I am sure in the future they all require a Government guarantee.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member say if any projections have been made as to the amount of the balloon payment which will be required and what arrangements will be made to provide the funds to make this balloon payment?

**HON. D. EZZARD MILLER:** No final estimate has been made of the balloon payment but it will be structured in such a way that it can be re-financed if needed and the Authority will set up a sinking fund to cover it.

**MADAM SPEAKER:** The next question is No. 86, 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 FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS**

**NO. 86:** Will the Honourable Member say what is the present Government's administrative policy in regard to the creation of a new post in the Administrative Super-Scale level in the Civil Service?

**ANSWER:** The administrative policy in regard to creation of all posts in the Civil Service is contained in General Orders, Chapter 2, paragraph 3 - Review of complements and gradings: "The Public

Service is dynamic and it is the responsibility of Heads of Departments to review periodically the objectives, management structure and organisation of their Departments and to consider whether improvements in efficiency and economics can be effected. Any reviews, even initiated by the Portfolio, should be carried out in consultation with the Head of Department and the Principal Secretary (Personnel). When an Head of Department wishes to increase or decrease a staff complement or regrade a post, he shall submit an application to the Principal Secretary (Personnel) on Form P1".

#### SUPPLEMENTARIES

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

**MR. GILBERT A. McLEAN:** Could the Member say what was the procedure followed in the case of the creation of the post of Deputy Chief Secretary?

**HON. J. LEMUEL HURLSTON:** The identical procedure was followed and in the case of the Deputy Chief Secretary's position it was done in consultation with the Chief Secretary and with His Excellency the Governor.

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

**MR. GILBERT A. McLEAN:** Could the Member explain what was widely publicised in the local press that the identified holder of that post would determine the terms and conditions of the post and whether it would indeed, continue after a year?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the press release referred to, gave the unfortunate impression that the holder of the post of Deputy Chief Secretary would himself decide on the duties and responsibilities as well as the necessity for the continuation of the post after the expiry of the first year. I immediately spoke to the media the following day and clarified what was intended to be interpreted in that release. The intention was that the Deputy Chief Secretary's duties would be settled finally in consultation with the Chief Secretary and that the Government at the end of the first year, would, in the normal course of reviewing the necessity for positions, decide whether the position was necessary on a continuing basis or not. The Government would decide at the end of the day.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. The post, it has been said, attracts a salary which is one increment higher than that of a Principle Secretary when it is my understanding all such Deputy positions are at level of a Principle Secretary. Did the holder or the designated holder of the post have anything to do with the setting of the salary for the particular post?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the holder of the post had nothing to do with determining the level of the grade of the position. The position was graded at that particular level for two specific reasons. Firstly, the holder of the position is expected to act and Deputise for the Chief Secretary in his absence and secondly, the holder is also required as necessary to give direction to other Principle Secretaries in the coordination of the work of the various Portfolios of Government. In order to be able to give direction, one has to be senior.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, could the Honourable Member say if thought was given to the fact that the Deputy Chief Secretary's post has been one that has never existed prior to this and that it was found through examination and proper analysis of the organisational structure that such a post would be and is necessary? If so, should it not be clarified to the public that this was no exception to all the other posts at this level?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, there was no exception made in respect of the creation or process followed in the creation of this particular post, vis a vie, any other post in the organisation. It may be helpful to also take note of the fact that the net cost to the Government was not substantial in the fact that a second post of Deputy Financial Secretary, which was graded on the same salary scale in the SS Grade, was correspondingly deleted so that the net cost was not substantial.

**MADAM SPEAKER:** The next question is No. 87, 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 FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS**

**NO. 87:** Will the Honourable Member say what is being done by Government to solve the Inskip murder case and to bring the culprits to justice?

**ANSWER:** The Inskip murder case has been re-investigated and a report of that investigation is currently in preparation. When completed, it will be submitted to the Solicitor-General for legal advice on what further action, if any, should be taken.

**SUPPLEMENTARIES**

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member clarify please if in his reply he means that the Inskip murder case is an on-going investigation or is he referring to a report which, according to the news media, it was said had been made to the Governor which he said he would not release to the public?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, when this trial of an accused person was aborted, the Governor announced that an internal enquiry had been commissioned to determine two things, to determine firstly why the trial was aborted and secondly, to try and determine the causes for that. Internal reports were submitted in respect of those two matters and a press release was issued in respect of that internal enquiry. Arising out of that the decision was taken to conduct a re-investigation that is, to conduct an investigation of the former investigation and to submit an independent report on that matter. That second re-investigation is the matter to which I refer in the substantive answer.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Would the Honourable Member say if this re-investigation is being conducted by police officers who are not in the employ of the Royal Cayman Islands Police? And if not, if any thought has been given to introducing such investigation?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the re-investigation was headed by a senior officer of the Royal Cayman Islands Police from an independent branch, which had nothing to do with the original investigation.

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

**MR. GILBERT A. McLEAN:** Would the Honourable Member confirm that in instances such as this, it is usually considered the proper thing to do to get a completely independent investigation and particularly, that this was such a very peculiar and unique case that this would be done?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, that is entirely a matter of opinion and it depends on the circumstances of the case. The Government decided in this particular case that an internal re-investigation as a first step was required. The Government has not said that that is the end of the matter.

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

**MR. GILBERT A. McLEAN:** Could the Member confirm that there is a female in this investigation who is highly suspect as a possible culprit in the murder case?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I do not think it is appropriate for me to comment on the details of this particular investigation.

**MADAM SPEAKER:** The last question for today is No. 88, 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. 88:** Would the Honourable Member state which channels in the Cayman Islands were properly marked; which are not properly marked; what steps does the Member expect to take and within what period of time to have all channels properly marked and lighted.

**Answer:** Information received from the Port Authority states that the following channels are all properly marked with concrete markers and solar powered lights:

- (1) Colliers Channel

- (2) East End Channel
- (3) South Channel
- (4) Frank Sound Channel
- (5) South Sound Channel
- (6) Southwest Point Channel
- (7) North Sound Main Channel
- (8) Rum Point Channel

The following channels are all marked with reflective buoys:

- (9) Harbour House Marina Channel
- (10) Rackley's Canal Channel
- (11) Lobster Pot Channel

All necessary repairs and/or replacements are presently being carried out by Scott Industries, commissioned by the Port Authority, and should be completed by 31st August, 1992. It should be appreciated that destruction of these markers during adverse weather conditions in these open sea areas, places a heavy demand upon repairs and/or replacements.

#### SUPPLEMENTARIES

**MADAM SPEAKER:** Supplementary, the Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. A part of the original question was which channels are not now properly marked? I would just refer the Member to for example, one that was listed here which is I think he referred to one at Whitehall, which only has one marker at present but is he saying that these markers still exist and can he tell me which channels are not now properly marked?

**HON. LINFORD A. PIERSON:** Madam Speaker, as mentioned in the substantive answer, the information which I have given was received from the Port Authority and they have listed here the channels that are marked with solar powered lights and those by reflective buoys. I have also stated in this answer that this process is on-going due to the adverse weather conditions, it has to be a constant process. I am unable to provide any further information as to which other channels are not properly marked but if the Member has a list that he could pass to me or further information I would be happy to look into it.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Surely, Madam Speaker, does the Member agree that a part of the question asks and I read, which are not properly marked? If it is not his duty to find out from the Port Authority which are not properly marked?

**HON. LINFORD A. PIERSON:** Madam Speaker, I thought the answer was explicit enough. I have given the Member a list of all channels that I have knowledge of that are marked and if the Member knows of any others than I have given him that are not marked then perhaps he would let me know.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. So you are saying that all of the channels in the three Islands are properly marked and the markers are in place, when we say properly marked and therefore none area without lights, markers or whatever were there originally?

**HON. LINFORD A. PIERSON:** Madam Speaker, what I am saying is the answer I have given to the Member. The substantive answer.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Could the Honourable Member say how often and by whom, are these channel markers checked?

**HON. LINFORD A. PIERSON:** Madam Speaker, it seems the Member did not listen to the answer which I gave. It is here in the substantive answer. It said here all necessary repairs and/or replacements are presently being carried out by Scott Industries commissioned by the Port Authority and should be completed by the 31st August, 1992. I went on to say that it should be appreciated that destruction of these markers during adverse weather conditions in these open sea areas, places a heavy demand on repairs and/or replacements by sort of extrapolation or by extension it would suggest that at any point in time a marker could go out and have to be repaired. So I cannot stand up here and say that every marker in every channel is working at this point in time. It is a constant process, we have to keep repairing them.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Would the Honourable Member undertake to ask the Port Authority to carry out regular and systematic checks on all markers, for example, about once a week due to the danger of having half marked channels?

**HON. LINFORD A. PIERSON:** Madam Speaker, I cannot undertake to ask the Port Authority to do it on a weekly basis, but I will ask them to do it as often as it is possible.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member undertake to instruct the Port Authority to mark the Bodden Town channels?

**HON. LINFORD A. PIERSON:** Madam Speaker, I will request the Port Authority to look at all channels, if the Bodden Town channel is in need of repair, the buoys there, then that will be done.

**MADAM SPEAKER:** That concludes Question Time, the House will be suspended for 15 minutes.

**AT 12:07 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 12:28 P.M.**

**MADAM SPEAKER:** Please be seated. Government Motion No. 3/92, Cayman Islands Health Authority Guarantee, continuation of the debate thereon, the Third Elected Member for George Town.

## **GOVERNMENT BUSINESS**

### **MOTIONS**

#### **GOVERNMENT MOTION NO. 3/92**

#### **CAYMAN ISLANDS HEALTH AUTHORITY LOAN GUARANTEE**

(Continuation of debate thereon)

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Yesterday, I was dealing with the loan and thus the guarantee as to its merits as a bankable proposition. Obviously since Government is being asked to put up the full guarantee then it shows some indication, even though not an absolute indication, that the banks do not have full faith in believing that the Health Services Authority is going to repay fully all of the money and specifically the balloon payment from its own resources. That position was confirmed this morning by the Member for Health in reply to a question when he said that the banks are obviously looking to Government for payment.

The reference to paying the balloon payment from a sinking fund can only arise if the Authority has money to put into a sinking fund. I think they have a better prospect of a sinking hospital, than a sinking fund having regard to the circumstances of the land. I think, and I would be prepared to say that that guarantee is probably going to be in the form closer to an indemnity in which they can look to Government for principle repayment instead of the authority if they so wish. Therefore, with this type of guarantee it becomes far less important for the banks to rely on the estimates and the 10 year plan that has been put forward by the Authority.

Turning now to the overall amount. As I mentioned, I have no problem with approving the \$1.5 million for Cayman Brac and Little Cayman's Health Services. The First Elected for Cayman Brac has often talked, and he did on the motion which was moved to suspend the Standing Orders, talked about democracy. I am wondering if the people of Cayman Brac and Little Cayman realise that they must bear a share of repaying the full \$18 million pro rata along with the population of Grand Cayman. It is not just a matter of isolating the \$1.5 million for Cayman Brac and Little Cayman. They are getting peanuts out of this whole deal. Ultimately the repayment will have to include the repayment of the expensive hospital in Grand Cayman and all of the population is going to share into it. That means that people in Cayman Brac and Little Cayman are going to have to contribute towards the services and the hospital in Grand Cayman.

So let us not believe that this hospital because it is built in Grand Cayman is going to be only a liability of people in Grand Cayman. Surely the people of Cayman Brac and Little Cayman must be a lot better off to have only the approval of the \$1.5 million for Cayman Brac, get their facilities and not have to pay towards those in Grand Cayman. I would think, especially from their point of view that since we are looking at a cost which is \$16.5 million extra, and working out to quite a substantial sum per person of the Islands, that they would take the course of instructing their representatives to get what they need for the Brac, the \$1.5 million, but do not burden the people of Cayman Brac and Little Cayman with the expense of a \$16.5 million of hospital for Grand Cayman. Which, really means that we would not get what must obviously come, if this goes through, further taxes and import duties upon the people.

Democracy carries with it an over-riding and most important duty to follow the wishes of the people whom you

represent. That duty must be one to a representative, such as Members of this House, the most single important reason why when the people speak they should be honest enough to follow the wishes of a majority of the people. Therefore, and I will show at a later stage with a survey that was done by one of the other politician's colleagues, that the people of this country have made it abundantly clear that they do not want this large expense for this hospital and if it is a tactic of Government, which it did with the \$10 million taxes that was tied in a package to civil servants raises to try to bulk together these two expenses, the \$1.5 million for the Brac and the \$16.5 million for Grand Cayman, then surely it is at a time when the representatives of the Brac, now are in a position whereby they can safely, because it is fairly obvious how the feelings are in this House, divide and vote for Cayman Brac and vote against the \$16.5 million for Grand Caymans hospital.

There has been a mention by the Member for Health of the Eye Clinic. This is a very good example of the way health has deteriorated and people have suffered in these Islands through mainly his reluctance to take and go on with work which he may regard as piece-meal, but which is important to the people. For many years, I do not know how long, probably four or five years, the money sat there from Lions to buy the Lazer equipment which could have helped hundreds, probably thousands of Caymanians, and on the day that the Clinic was opened, he stated that he was considering whether to put it in the operating theatre.

That operating theatre, is the one that he has mentioned in this overall plan for the new hospital and the renovations, is one that he says should be replaced. If his view was that this lazer should have gone there, why wait four or five years to get a clinic and then take and put it where it could have been put years before and helped people in the Islands? The point I am making here is that there has been a systematic and premeditated move by him and his Government to run down the facilities at the hospital to such a stage that he can say you must replace it with something new. In this instance, the lazer was there, it could have been put in that operating theatre which, I guess is not any good. . .

**HON. D. EZZARD MILLER:** Madam Speaker, on a Point of Order. The Member is misinforming the House. If he is aware of a lazer being on the Island, I am certainly not aware of it.

**MR. TRUMAN M. BODDEN:** Madam Speaker, I was very careful, I said the funds for the lazer had been raised by Lions several years before and I assume he does not deny that. Those funds had been raised for years before.

**HON. D. EZZARD MILLER:** No, Madam Speaker, I do not deny that, neither do I deny that the decision on which lazer to buy is the total decision of the Lions and it has not yet been made by them. Not by me.

**MR. TRUMAN M. BODDEN:** Madam Speaker, when you cut through all of the technicalities, if there had been some place to put it, I submit the lazer would have been bought years ago because the money was sitting there to buy it. A lot of the confusion I understand may well have come about because the Member is trying to use this in relation to extended areas, which I understand are possible with additions. Anyhow, the decision and the announcement that he made then, and I was there, was once again that it may have been put in the operating theatre.

We have had considerable funds that were voted - \$1.5 million and a substantial part of it was to replace or build a further operating theatre because of the urgency to get it to replace the present one. Yet that money was partly diverted and a substantial amount of it, a good portion of it I should say, to build a part of the road that leads to the new hospital. So the cost of this hospital is going to be beyond the \$16.5 million anyhow. You are going to see further trickles of money moving out from other things in the future, virements of money probably, so that it can be used towards this new hospital.

Perhaps one of the things that should have come along with this submission was the assessment by the public Sector Investment Committee. I had understood and I believed, that this was something, since it is an integral part of the assessment of a project as large as this which, is the largest project I believe this country has seen, it should have come along to say we fully endorse it and it is viable in accordance with the projections. If it had said that, then I believe perhaps we may have seen it but it is no good having decisions of policy made years in advance and then having a Government body as important as this committee not being seen to be utilised to the public's benefit.

Also, we have seen what has become common place, is the circumvention of the Central Tenders Committee. Surely it must be brought home and understood by Government at this stage that the spirit of the Finance and Stores Regulations that provide for tenders going to an independent tenders committee, should apply to statutory corporations to which Government is, in my view, not contingently liable but probably directly liable under the types of legal guarantees that are more indemnities which are signed. The duty of that body, together with the Public Sector Investment Committee is to see that the public gets a dollar's value for a dollar spent. Some years ago, two to two and half years ago, this House unanimously passed a resolution which said to the effect that there should not be an entry into contracts or accepting bids on contracts which had not been cleared and approved by Finance Committee or this Honourable House.

Once again, we find that this is in spirit circumvented because, as I understand it, there has been an award of the contract, yet we are now before the House to get a guarantee to provide financing for that. Whether it is executed or not, I do not know, but a newspaper has stated it is awarded. I guess what I am trying to say here is that we cannot take statutory authorities or statutory bodies and get around what is accepted practice in Government. If Government is ultimately going to pay for these things, then the Members must follow the rules that they have laid down in relation to those corporations as well as they would do if

it was vested solely in Government. I believe, and as I will go on to show, that this tactic of using the Statutory Corporations to get around a lot of the safeguards and the checks and balances that exist in relation to Government, must be extended to these corporations, otherwise we should stop creating the corporations.

We saw, not only in relation to this, but a million odd dollars per annum is paid under a contract to the Cleveland Clinic. Once again, it did not go out for tenders, there were no competitive bids and now that the money is gone and paid, the public is left without their safeguards. Perhaps the new twist to this was where we can now extend the contracts without going out to public bid, as we saw the \$6.5 million water contract recently. What I am saying is that this must stop because if it continues this country is already in a serious enough financial problem and if we get contracts going out and the public is not assured that there is value for it, then that is going to seriously worsen the situation.

**MADAM SPEAKER:**

House will be suspended until 2:15.

Would you take the luncheon suspension at this time? The

**AT 12:51 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:21 P.M.**

**MADAM SPEAKER:**

3/92 the Third Elected Member for George Town, continuing.

Please be seated. Debate continues on Government Motion No.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I would like to turn now to deal with the reason why this large amount of money should not be spent because it is not necessary to have good medical services to spend this amount of money. As all of us on the Backbench have said from time to time, we fully support the best medical services that this Island can afford for our people. However, what I am totally against is spending large sums of money when they are not necessary. What the Government is doing here, is extending the number of beds and producing a much larger hospital with larger capacity. If the statistics had of been in their favour, then they may have had some justification in trying to project this but one of the larger areas of revenue, in fact about half of the revenue for these new hospital is going to come from the patient beds, the wards.

At present when you add in those beds that are at the Pines, we have 60 beds. The statistics from the Government show very clearly that the in-patient days have declined from 16,425 in 1985, to 13,578 in 1990. This also is further supported by the decrease in the average length of stay from approximately six and a half days per patient in 1985, to 4.3 days in 1990. So what we have are statistics which clearly show that the number of beds that are now available are more than enough at present to deal with the patients that will be needing them. In fact, the average occupancy in the hospital was somewhere in the vicinity of only 60 per cent on average for the number of beds.

We come back to the question, if the main aim of the new hospital that Government is asking this House and the people of this country to guarantee and pay for is at present under occupied, then having a look at the statistics which show a decrease over the past five years in need for the number of beds, then why is Government now going to produce a new hospital that is going to add another 90 beds to the present number. The Member for Health is going to take some of the present private rooms there and apparently use them for other things. But, conversions are expensive and there can be no doubt that the amount of money that will probably be spent to try to convert from one thing to another, as I believe we are finding with converting other buildings such as the Middle School, come up nearly to the amount of what it may cost to put in separate facilities. So my question is, why not keep the 60 beds we have, which we do not need, all of now, and if the Member is worried that he needs a few more, add another 10 or 15 on the same site. He would still have his number of beds and it must cost only a small fraction of this amount.

What strikes me as even more dramatic is the fact that, not withstanding that the statistics show that the in-patient days are falling at the hospital, to get the revenue for this hospital we find an increase in in-patient days in the projections that have been produced by the accountancy firm and the Member which are really phenomenal. They are going to move up from about 13,500 in 1990 to 18,000 in 1992 and nearly double the 32,000 in 1994. In my opinion, and common sense will tell us, there is no way that the same people using the same facilities, and let us face it, the population is not going to double in that period of time, nor is the sickness going to double, there is no way that this phenomenal increase can come about.

When I come to deal with the report and the accountant's examination of that report, I would like to show where the assumptions have arisen from. We see therefore, that half of the revenue is going to come from an assumption which cannot be correct. If in 1985, the in-patient days were 16,500 and they dropped by 3,000, to 13,500 in 1990, there is no way in the world that they can suddenly more than double by 1994. But that is the only way the figures can work and it does not take a genius to take a computer or a calculator and come up with projected figures. We have to be realistic and the fact is that the public is not only going to pay the capital expenditure on this hospital, but they are going to have to pay a very heavy recurrent expenditure, year after year, after year, which is going to show considerably more losses than the present situation.

This Government has had a knack of liking new things. They like new jets, look at where that has got us. They now want a new hospital, this is going to cost us. We got a new road, we understood the most expensive in the whole Island. The fact is, we cannot continue to afford these things. Many of the figures, and I do not intend to go through a large amount of these, but merely to take and show with the use and thus the revenue that is going to come in from the hospital.

The accountancy firm of Ernst & Young, a very reputable and



international accountancy firm, were very careful in the forecasted statements of receipts and expenditures that they produced a report on. I would like to read from page 4 of it to show why these figures may well be over padded because they have made a statement excluding direct responsibility for the forecast and it is under Summary of Significant Forecast Assumptions. Reading from the report:

"These financial forecast present to the best of management's knowledge and belief, the Cayman Islands Health Services Authorities (the Authority) receipts and expenditures for the forecasted period. Accordingly, the forecast reflects management's judgement of the expected conditions and management's expected course of action as of January 1st, 1992 the date of the forecast. The assumptions disclosed herein are those that management believe are significant to the forecast. There will usually be differences between forecasted and actual results because events and circumstances frequently do not occur as expected and those differences may be material."

That is a typical alert to the public that goes in these forecasts. What they are saying is that they do not take direct responsibility for the accuracy of these and they are relying on management's knowledge, belief and judgement in relation to material parts of this. What we have here, while it is an important document, is limited in that respect that it is relying on forecasts which have arisen by the Health Services Authorities Management or whoever they refer to as management, the Member, Chief Medical Officer and whoever may be included in it. Therefore, the document has to be read in the light of that.

One of the obvious differences is where there is a forecast of the fees per operation at page 12 in relation to major operations. I have been through the Health Service Authority Fees Regulations of 1991, and it has two sections and it has two sections relating to major operations. One is found at paragraphs six, seven and eight of the Schedule which deal with the operating theatre, anaesthesia and surgeon's fees, and another is set out beginning under the heading 'Inclusive Fees Major Cases' and under that is Major Surgical Cases. There it is an inclusive fee of operating theatre and of surgeon's fees. The only thing that I see that may be left out of it would be anaesthesia.

These different major surgical cases stretch, mainly on average, over a fee of \$300 to \$500. It is not very many that go beyond that, yet the forecast has put in a fee of \$1,000 average, and we are looking at average, so some must be a lot higher and some, obviously a lot lower. The only way that it could have been gotten is to take and add up what I referred to in the beginning, which comes out to about \$800 but that first Schedule has to be exclusive of the fees that are listed under Major Surgical Cases because they are inclusive fees. The forecast which have been put out to be relied on, obviously have not been accepted by the banks that are financing them because if that was the case the guarantee would be a lot less. The banks would then say look, we are satisfied with this and you guarantee the upper layer of 30 per cent of the debt. What the banks, or at least what the Member is coming here for is a total guarantee of the debt.

Another area that was brought out much earlier by the Member for Health was that certain services there needed to be desperately upgraded. Yet, the Member has done nothing to upgrade these and I believe that he and the Chief Medical Officer, have become confused in believing that a hospital, once it is built, that that is good medical services. What has to be done is a lot of money and effort put into upgrading the actual services and getting them up to standard before there is any attempt to totally move everything out and into these new facilities. If he cannot at this stage get his direction right, and spend the money correctly, such as the \$1.5 million loan that this House approved for what was regarded as urgent and important services, and diverting that to spend on the road for this hospital, then I do not feel that the services are going to be anymore improved after the hospital is built.

At that stage we are entering a new era where vast amounts of money are going to have to be spent in relation to the recurrent. More doctors, more nurses, more equipment and overall much more costs. So the public is not going to be left with better health services just after the hospital is built. What is going to have to happen is that the main task of up-grading the services themselves, will then have to begin and we would have lost a further four or five years while our people suffer. There can be no doubt that the Member for Health is going to spend and spend as much as may be necessary to produce what he wants, whether or not it is what the country needs.

A look at the way in which the hospital has been set out, forgetting the fact that it is on a site in the swamp, and by the way, I understand that there is now a canoe parked somewhere near the site, we have a hospital that, I have been reliably told, is going to cost a lot more per square foot than would have been a normal type of building and I do not believe that the vast expense that is going to be spent on external aesthetics of the building are going to be worth the cost that it is going to raise.

The Member's problems with the Health Services do not arise in major part because he needs new facilities. At a meeting in the early stages when this new hospital was being promoted by him, and it is the first and only meeting that I had an invitation to because he obviously did not like what the senior staff said there, he found at that stage that a large amount of his senior staff voice their opinion against the hospital being split or put on two sites as it continues to be. We know, unfortunately, that there have been rumblings of retaliation whenever anyone on the staff says anything against the Member's policies. Instead of trying to lead his staff into where he wishes them to go, we have a Member who is trying to push them and that, in this day and age, staff do not tolerate.

We have a very obvious situation where the vast majority of private doctors and nurses and medical staff have said that they are against this expenditure and they have recommended alternatives which would upgrade the facilities. But, the Member for Health blunders on in his rough-shod way of bringing into effect what he feels is best, regardless of what anyone else feels. In the end this country is going to be the loser because when he vacates his seat, as the Member for Health, someone is going to

have to get in there and try to pull together the disgruntled staff, try to get team work back in place and try to get some liaison again between the public and private medical profession.

I also believe that this new hospital has diverted too much of both the Member for Health and the Chief Medical Officer's attention away from the important things of the Health Service. The vast amount of time and effort that is being spent on this, the Member would probably be better off with two Chief Medical Officers. Make this one the project manager for the new hospital and get one who is going to deal with the problems in the medical service because we know that was raised here about a year ago, that the senior staff have stated clearly that not sufficient time is being given for the medical services themselves. It is implied from that that the time is being wasted on this pet project of the Member.

The obvious big spending of the Member for Health was borne out in what turned out to be called the confusion adverts of the newspaper. Full page ads, this is the mentality of the spending when the money in the vast sums such as the hospital, are being dealt with. Things that could be done well for half the amount or sufficient for the a quarter of the amount, are not looked at. The aim must always be to get something which is twice as costly as is necessary. I would like to turn now to the second area of the reason why I, the public and some other Members of this House feel, that we cannot afford this project.

This Government has taken the Cayman Islands on a course of spending that is going to reach catastrophic proportions unless somebody stops the financial madness and borrowing that we are seeing. It may have well been a different situation if the country if were in the position that it was in 1988, three and a half years ago when this Government took over. At that stage the Government statistics showed that there were reserves and surplus of \$19.8 million and loans of \$25.1 million or approximately \$5+ million of debt that exceeded the cash. That was a very good position.

This Elected Executive Council inherited a Government that had money and very little debt. Since that time, as we have seen with this project, and luckily the others that were stopped before Motion 3/90 wrecked the checks and balances of the people, and we had the squandering of money. Since that time the reserves have dwindled to where they are probably in the area of \$11 million, depending on the interest that has gone on to it and we find that the budget estimated the debt in the area of \$43 million for this year. We have \$5.4 million that will have to be paid to GPA for Cayman Airways by February or March of next year which has to be added on. We now have this \$18 million that has come up. We know there is a pension liability to civil servants of some \$30 odd million, \$33 million I think. This adds up to \$66 million, excluding the pension liability or close to \$100 million that will have to be paid in the future. Against this, even if we exclude the pension liability, we are looking at a difference of about \$50 million that the country has gone further in debt on in three and a half years. This is phenomenal because they did not do this in the first year when the Backbenchers had control of Finance Committee. The checks and balances were in place when the other grandiose projects like the Master Ground Transportation Plan, and those were stopped.

As if this were not bad enough, we had today the balance sheet of Cayman Airways laid on the table which shows a loss for one year ending 30th of June, 1991, of US\$14.3 million, after taking into account \$1.25 million of subsidy. As the Member mentioned this morning in his statement, it is obvious that Cayman Airways, with an accumulated deficit of US\$27.8 million is going to need money injected in it for the future. While the Member for Health, was putting this together for the hospital, he had to know of the other heavy expenditures that exist or about to exist and which I submit this country cannot afford. The only way that there can be a continuing funding of the vast borrowings that we are doing now, is to add further import duties and taxation on the people of the country. It seems to me that during this last year with the mad rush to get through these large loans, that the Elected Members of this Government are trying to leave such a vast debt that they cripple any future Government, for many years to come. That cannot be fair on the people of this country and it cannot be fair on future Governments that may be running the country because the previous Government in 1988, left this country in a healthy financial position. There is no two ways about it and they cannot dispute it.

We are looking now, when this goes through and excluding whatever Cayman Airways may need, of a deterioration of \$50 million in three and a half years. I hope that the people of this country realise exactly what is premeditated and being done by this Government in its last fling or last ditch efforts to put through everything that they possibly can as loans for repayment by future generations of this country. Nothing has been done in the past three and a half years to attempt to raise revenue from sources which do not directly impact on the people of the Cayman Islands and that is sad. As we see here today, the Government has been a Government of spenders, nobody has been worried about making any money to try to pay for these vast debts that they are producing. Indeed, I think one of the last major revenue raisers was probably the Insurance Law of some 10 years ago or thereabouts, a bit more than that now. Since that time it has only been very small areas of revenue that has been raised.

What has been significant is that there has been a continued trend of \$10 million of taxes year after year and I can only expect that the present Government must expect that to continue. Any future Government, naturally, is going to void as far as possible, heavy taxes or taxes at all on its people but I believe the people of the Cayman Islands must understand if there are debts created such as this one, and not stopped at this stage, then they have to be paid back from somewhere. I oppose the guarantee of the \$18 million, I do not oppose the \$1.5 million for Cayman Brac and Little Cayman's hospital. I believe that we are going to have in the near future, a situation which is similar to many of the other Caribbean Islands in which we are no longer going to be controllers of our destiny because when you finally owe to lenders more than you are capable of dealing with, then they are going to finally set the destiny of this country, as they have done in many of the other Islands.

I think only yesterday I saw in the newspaper that the IMF Chief was going into Grenada and he, not the people of the country, will be the one who will have the force in saying how much can be spent and roughly in what areas. It is really sad to believe that we are getting to this stage, which I

think is getting near to the stage of no return as far as debt goes, where for future generations the main struggle is going to be to pay interest and principle on vast loans, money that has been spent, and worse than that, for projects which are not feasible economically and not only that, are not feasible in accordance with reasonable projections such as this hospital. That impact and that repayment is going to fall on the shoulders of the people, not only of Grand Cayman, but of Cayman Brac and Little Cayman and we are going to all going to have to share in the repayment and our children and future generations for projects such as this.

I think that this specific project, and it is unfortunate to use words this strong, but I think it is financial madness for us to enter into this guarantee at this time.

**MADAM SPEAKER:**

If no other Member wishes to debate Government Motion No. 3/92, I will ask the mover if he would like to exercise his right of reply. The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Madam Speaker, the future of the Health Services of these Islands is of the greatest importance to the people of these Islands. Good, safe and affordable health care is what I want for my people. It is important to me. I have never been a person who believes that bigger is necessarily better. I have never believed that I should go out and borrow for a Cadillac which costs \$30,000 when I could purchase an Oldsmobile for \$16,000 to serve the same purpose. It has never been my philosophy to own a mansion in West Bay and an apartment in George Town. A neat affordable house in West Bay is sufficient. It seems the Governments philosophy for them to offer good health care they must spend what the country does not have and cannot afford.

At this point we have to consider the question of whether we can afford this large expenditure. The Government and at least one of their candidates announcing her candidacy in the newspaper has posed the question as to whether the building of the new hospital would be cheaper later on? We do not know that it would not be. Perhaps not, but a country cannot look at such a policy, the fact remains that we cannot afford this building today. This country has been having a serious recession. This is no small recession and it is economic nonsense to talk about that this is the best time to build a hospital because we are having a slow-down. It is not as if this country had a lot of surplus money and so on. We have had deficits every year, since 1990. During 1990, I believe the deficit was in the region of some \$13 million and I believe last year it could have been in the region of \$17 million. Or it might be vice-versa, I cannot recall exactly. Perhaps the end result for 1992, will be the same record deficits. Is this the time to go about this policy of building a building because the Member wants to build it?

I am not opposed to Government's expenditures which are of basic importance to the people and to the development of the country. Many Government services are desirable at any given time. Obviously that is so, but obviously also the Government must have some test beyond mere desirability before it introduces a programme. The Government cannot do everything that is desirable anymore than an individual can do everything that is desirable to them. Clearly the amount of money that Government undertakes to spend must in some way be related to the circumstances of the country and the effect that such expenditure will have on the economy and on individuals. We must pay attention to spend according to our means. Certainly this expenditure is not within our means today.

It must be agreed that Government expenditures during the last few years have risen more rapidly than revenues. In due course such rising expenditures will have its negative effect on businesses and individuals. When the load the country has to bear in terms of expenditures and loans becomes too heavy it will undermine economic growth and erode stability. The loan position of this country when we include all loans guaranteed by Government is already a heavily load and no-one in this House can deny that fact. Oh, we have the Executive Council telling us that Government is not responsible for Statutory Bodies. That is Statutory Body loans! But we find them here today coming for the guarantee. And everyone in this House have guaranteed loans for people before and we know what happens if the person does not pay. We are called on to bear the brunt.

There are so many examples around us and we have seen what happened to countries in the region when they resorted to heavy borrowings and I do not like to refer to other countries but this is a newspaper article on Barbados. This article talks about straws that broke the camel when the Prime Minister, the Right Honourable Erskine Sandiford and also the Minister of Finance and Economic affairs had to tell the country that their debts had become too heavy and that country this article says borrowed and borrowed and borrowed until they had to go through a serious restructuring. They borrowed for projects you would say, yes, are all good projects; roads, for this building and the next building, all desirable. We do not want to get to the position where we are told by banks and other institutions how to organise our budget. We know that when we over-borrow this is what happens. The financial institutions tell us what to do. They stop writing the checks. Is this where we want to end up?

For the future welfare of our people there must be expansion in the future of certain Government programmes and services. We agree. But it is not enough to say that a programme is desirable. We must also decide what expenditures we may take on at anyone time. I am sure the Honourable Financial Secretary will agree that today this is the relevant question. How much can we afford? Because if a hospital building were the only priority and the most needed project in this country then perhaps it would be laudable but when we consider that we have to educate our children and we have just proposed projects over the period of time, of course, but still amounting to millions of dollars, millions of dollars and we are going to have to educate our children. It is the Government policy, they started on a new course in education, they have thrown us into it and I do not believe that we are going to be able to back out of it. So we are going to have to go ahead.

This is the relevant question today. Can the Government afford it? They have said can we afford not to? Madam Speaker, there is no one in this country dropping down for want of a new hospital building! There is no one! The thing that worries me most of all is that the present Government

has not demonstrated the ability to be prudent and successful in their endeavors. Not one of them, every one of them has gone haywire in spending. Oh, they have some beautiful things, a few. We only have to look from a distance, we do not need today to get close to it. Look from a distance at the chaotic state that the national airline is in. It is bankrupt. I know what you are going to hear, Madam Speaker, we are going to hear from Members of Council that this is not the first time but this is the worst position it has ever been in. I believe that if I read this correctly, that liabilities exceeds total assets by \$11 million. they say, "Oh, it went bankrupt before, we are not too concerned."

Mistake after mistake was made until no one knows what will be the fate. We cannot over-look this Madam Speaker, this is not a fairy tale. This is reality. We cannot ignore the consequences of the ill advised departure into Guinness Peate Aviation where the country was promised \$2 billion in profits.

**MADAM SPEAKER:**

Honourable Member, would you be relevant to the subject? You have already made a comparison, but please do not go into details of Cayman Airways which is not the subject matter under discussion. Thank you.

**MR. W. McKEEVA BUSH:**

Yes, Madam Speaker. I agree with you that that is not the subject but I am comparing their actions into that situation with the present move before us, a resolution of \$18 million. I think that my comparison warrants a notation of the law suits and the international embarrassment that that departure cost us, but I will bend to your will. Does anyone expect this Member to now agree to give the Member for Health \$18 million on the first round for this hospital building which, with their slapped up figures they have not been able to demonstrate properly that this project will be able to pay its way? I cannot support this, Madam Speaker, I would be mad.

Believability is important for a Government, confidence is important and this Government has become just incredible in the literal meaning of that word. It is unbelievable. They cannot do what they say they will do. It is well understood by all sensible persons that this \$18 million will not mean that we will not have to travel abroad for medical care because in the Member's own words, tertiary level care will never be provided here.

In Trinidad they spent millions of dollars in property development and buildings to build Mount Hope and I am sure that many of us in this Honourable House know about that and it is there practically unused and I understand not paying its way. When it comes to such an undertaking as the Member is pursuing, patient preference must be taken into consideration. The Member cannot force people to attend the hospital. He might make laws that frustrate private practitioners and he might make rulings while he is chairman of the Health Authority, but he cannot force the people of this country to attend the hospital.

The question must be posed: Has the Member for Health given the public any encouragement to attend the hospital? Has he, Madam Speaker? From day one he was trying to prove that it could not work, that was there was no good. But tell me, Madam Speaker, what person would put confidence in facilities where the Member for Health gets on national television and says that the health care professionals are incompetent? Which member of the public would go where he says that they are in the twilight of their careers? These health care professionals are the people that must attend the health care needs of patients and of would-be patients.

This kind of talk has left a black eye on the facilities. Would I want to have an operation done by an incompetent surgeon? Would you, Madam Speaker? Would any Member of this Honourable Legislative Assembly want to go for any kind of operation to a doctor who is in the twilight of their careers as the Member says? What this country needs is not a building, what this country needs is good services. The health care operation in these Islands are in shambles. The present Member, if he had any shame at all would have removed himself from the direct handlings and influence of the whole situation and things would be a little bit better today. The Executive Council, if they were worth their salt would remove him because the situation is not altogether good.

It is noted in the resolution that three banks will be involved in the funding of the hospital. Those banks will be sensible to wait until the means of payment have been worked out properly. I am talking about adequate insurance schemes because this has not been finalised and I have long said that the Member for Health in his rush has put the cart before the horse. An insurance scheme sensibly organised with some sort of history should have been in place where each person knows the perimeters they would have to work in; what will be the exact cost and what will be the exact coverage. But has he gone that route, Madam Speaker? He passed the bill, he comes to the House and tells us that he has the support of the industry when I understand that that is not so. Nothing has been finalised. On top of that, the industry. . . but before I get to that, I will continue with the banks.

Instead of waiting until things were properly finalised, the banks have agreed, and I know that I was ridiculed for the statement that I am going to make now because I made it in December last year. But I repeat today what I said in December. I want the banks to understand that if I am in control or have a say in policy, after the Elections, I will not agree to raise hospital fees, I will not agree for the raising of any insurance premium to put further pressure on my people in order to pay the hospital loan. Because, those are the two components that will have to be raised to pay its way. So, I make my position absolutely clear and they can get up afterwards and ridicule me but if I am elected and in Executive Council that will be my position. I believe that a new Government should call a commission of enquiry into this whole matter. The whole matter is being rushed to the point that nothing seems to be finalised properly. We have to consider that everyone except the Member, the architects, the people that are going to build the hospital and few other supporters agree that the

entire project is unrealistic..

Madam Speaker, when we examine this country's financial position there will be growing financial pressure on Government's income derived from existing causes. Obviously many of the expenditure programmes which are now in effect in the country have built into themselves provisions that will escalate expenditures. I might have said but I say again, that one of my main concerns for the project is that there must be a large increase in recurrent expenditure. Not forgetting that the Authority will be operating the present hospital as an ambulatory centre which will entail serious duplication of services. And it will be operating the hospital in the swamp. Judging from the Bermuda experience and their hospital has a \$60 million recurrent expenditure, ours will be large also.

The management of this Government with its divergent paths of revenue and expenditure leaves much to be desired with this project. Everyone has said that it is unrealistic. All the health care professionals in the country have said so. The Member has said that tertiary care is not going to be provided. That means that no such thing as by-pass operations, brain operations will be done because we cannot afford it. But the Member is touting this to be a state of the art building with equipment. Where in the world is the Member going to get state of the art equipment to fund this state of the art facility for \$2.5 million? Major trauma will not be taken care of in the hospital here. You go to purchase a CAT-scan, and if you are going to get a good CAT-scan machine it will cost you \$1 million or more. He has said he is going to get the CAT-scan. That costs a million and unless he is purchasing used equipment the country will not be getting very much as far as good equipment goes for \$1.5 million.

When we look at facilities, a good state of the art x-ray suite can cost millions of dollars. We are not going to be able to provide top class ultra-sound; we are not going to have what is known as the Doppler machine for studying blood flow which we do not have now. We are not going to have state of the art x-ray equipment to outline blood vessels and various parts of the body, which we do not have now. We will not be able to do cardiac catheterization and in any state of the art facility, hospital these facilities are available. And, I am just dealing with one area. They are realistic and they have pumped up the figures the same way they pumped them up for Cayman Airways. Look where that landed us. All their projections, in my opinion, have been expanded for their use. When we consider that they believe in spending big money we have to wonder what about good desirable results?

He brags about this hospital plan, 150 pages of architectural drawings, some 1,250 pages of detailed specifications. How much has this cost us? A million dollars? It sounds to me that 1,400 pages are being very expensive, if it costs \$1 million, when you look at it per page. Since 1989, I have opposed the route the Member has taken because I do not believe the end product will give us what he says is going to give us. I believe that this country, as I said in 1989, should remove Mosquito Research Unit and we should expand on that space and do what we can do within our means. But of course, that is not going to leave us with this gigantic building with a pond next to it and you are not going to be able to say in years to come that Ezzard Miller built us this large hospital.

We are paying a lot of money for self-aggrandizement and it can be termed as nothing else because the Member for Health does not love the people of this country anymore than any one of us on this side of the House. Everybody, except himself, the builders and the architects - the people he is paying - has told him that what he is doing is unrealistic. If the Member believes that his health care professionals are in the twilight of their years, and if he believes that they are incompetent as he said on national television, then the Member should do a house-cleaning and put the matters right because those are serious allegations to make against health practitioners in a country where we have to depend on the flow of outside expertise. What the Member needs to do is to set up a fund so that he can begin to train Caymanians; full scholarships in the medical field. They can come and tell me that they are doing it, we know that. This is election year and you will hear that they are doing all sorts of things. All sorts of things that have been left over for months to be done are now going to be started.

I am going to close by reading the concluding statement by Sir Neville Nicholas, President of the Caribbean Development Bank at their 22nd Annual Meeting of the Board of Governors on May 20th and I quote:

"Mr. Chairman, I have so far been observing that the region again stands at a very critical juncture in its history, at a cross-road, so to speak. I have examined the threats, both external and domestic, to the regions current situation. We have to make clear choices from among the options that face us at this cross-road. The sign posts that points in the direction of sustainable development indicates many of the policies and actions we will have to pursue vigorously. The writing on that sign-posts reminds us that although the world does not stand still while we search for the most palatable style of adjustment, we need a more participatory and consensual approach to the design and implementation of policies. As small nations, we have to acquire the strategic intelligence about global developments and trends so as to avoid taking our masses into unnecessary chaotic struggles with reality. We will not in the future be able to afford real exchange rates that are out of line with those of our competitors and we can no longer resort to the Government's fiscal deficit or to external borrowings in an attempt to sustain a level of consumption that is beyond our earning capacity."

Madam Speaker, the Members of Executive Council should get this and keep this in their front pocket and stick it on their glass for every morning they can see it and read. I will read the whole of it:

"Employers and workers together must endeavour to contain production costs and product prices at levels that do not erode the economy's competitiveness and our monetary and fiscal affairs must be managed in a way that fosters rather than erodes that competitiveness and we need to pursue policies that encourage domestic savings and then make efficient use through productive investment of all savings foreign and domestic available to us."

I think while all of that might not necessarily be in full application with what we are dealing with, most of it deals sensibly and tells us sensibly what we should do and how we should be careful. I know that we cannot tell this Executive Council anything because they know it all, they have been it all and they will be all, especially in this election year. God help this little Island we call the Cayman Islands. I cannot support the resolution as I believe it is ill-advised and will not in future years be to the best interest of this territory.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

**AT 3:54 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:14 P.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues, on Government Motion No. 3/92. If no other Member wishes to speak, the First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. I believe that there must be a measure of relief on the Government's side as rapidly as this debate is progressing. If we were playing cricket, they would call me the night watchman. I do not like to be a night watchman, but I cannot afford to let this debate close without getting in a few important points. As I commence, I am reminded of a comment made by the late 19th, early 20th Century German sociologist who was an authority on bureaucracy, Max Weber, and one of the comments that he made was that the cloak of material prosperity may eventually become an iron cage. I am afraid that that is what has happened to the Cayman Islands. I have to say that the notion of improved Health Services is not a notion peculiar to the Government, as we on this side of the House, have always stated that we want the best of health care for our people.

There is one significant difference and that is we, on the Backbench, while we want the best, we have a caveat which states that we will get as best or as good as we can afford. Because you see, it makes little sense to go after the best when it cannot be afforded. It will spell absolutely no economic sense to have a health care system so expensive that our children and grandchildren will damn us because we will have left them in bondage.

That is the major departure point between where we stand on this side and the Government. We do not wish to enslave any Caymanian because we have pursued dreams which were more expensive than we can afford. Having said that, let me say that there are a few things which strikes one as peculiar about this whole project. From its inception it was clouded in controversy. Controversy because we argue that its base is made up of false or unsound premises and assumptions. Not false, but rather unsound premises and assumptions. It purports to service a population far greater than the number we have at present. And certainly a population that we cannot conceivably get in the near future unless there is some movement which increases the rate at which Caymanians currently procreate.

It is also based on the premise that an inordinately large number of people will be hospitalised. Unless we have an epidemic, unless we have some major natural disaster, which heaven forbid, there is no way that given the present demographic trends, we can graduate to such a level that Caymanians will be hospitalised at the rate these projections claim they will. Take what is current. The vast majority of Caymanians born, live and die and do not spend even three days in a hospital. Many of them no doubt will have to visit for out-patient care but past trends will show that Caymanians have been healthy people and barring some congenital diseases, we are not a people who have to be hospitalised for every little ache and pain and quite conceivably that will not drastically change in the future. What we need is a first class diagnostic centre and trauma unit with equipment which can be used to diagnose and treat the kinds of ailments and circumstances for which we have been long accustomed.

On a previous occasion when I suggested to the Member that we also to take into consideration common habit and established traditions, I was laughed at when I said that if Caymanians get a bad 'buck to', as we call it in street parlance, they will jump on a plane and go to Miami to get it dressed. The Member laughed at me. I still stand by that because there is a very fundamental reason for that. One, is that they have always been accustomed to so doing, and number two, when it comes to certain things, they lack that confidence in our present facilities. Which is not, Madam Speaker, to say that our facilities are not good, it is just like this, people are not likely to go into a hospital where they do not have piece of mind. Confidence in the staff there. And, Madam Speaker, I will add a further dimension. They will not go here for treatment of certain ailments because sociologically speaking, there is an absence of privacy which cannot come in a small community.

What I am saying is that the premise to build a new hospital of this nature and magnitude, should not only be based on demographic trends and on affordability, but also on the dispositions of the population. Even those people who we will call economically deprived to the extent that they might not be able to go to a bank and draw out \$30,000 out of there account, when they need certain types of medical care they find the resources to go into Cedars or into Baptists or even in some cases Jackson Memorial, because you know what happens, that is where the extended family comes in. That is where the family property comes in, etcetera, etcetera. And so I am saying when we build this institution that will be but the beginning, we will

have to work at changing the attitudes of our people. That has been established over decades and it will not come to change easily.

Then, there is the question of whom this hospital will be serving. I read about residents, and I read about tourists, but I also read that tourists comment most times when those comments are aired publicly, the comments are positive on the services which we now have. But even were they not, should we base the premise that we should build a hospital for tourists or for residents, primarily? Or should we be concerned in the most part with our people? My colleague, the First Elected Member for West Bay, mentioned Mount Hope in Trinidad. I will give two other examples of regional institutions on this scale that ran into trouble. Those people who closely monitor events in Jamaica will be familiar no doubt with the Cornwell Regional Hospital. Only now is that institution operating on what is an acceptable level of efficiency. For years successive governments in Jamaica had problems staffing and equipping that hospital. Then the worse case, the most blatant case is the hospital in San Pedro Soula in Honduras. What is remarkable about these cases is that these hospitals were built to serve populations far larger than we have in the Cayman Islands, at present and they did not work. Indeed the one in San Pedro Soula, Honduras is still not working. Why? Because the state of the art equipment is too expensive for the poor people to afford. So, with a modern hospital, the people die for lack of access. Now I would like to know out of a population of 16,000 working people, about 10 of whom are foreign nationals, what is going to happen to us when we get the bill at the end of the day? Because the bill is coming.

Let me say, while I applaud the thought, the idea and the commitment of the Member, I am saying in reality we have to look beyond that. Then too, there is the whole question of the bidding process and those were handled. I expect the Member, when he gets up to tell this Honourable House why the Government, after giving an undertaking on page 43 of the Government Minute, in response to the Public Accounts Committee's Report, why did the Government choose to depart from their pledge and commitment that they would tender all contracts over \$100,000 through the Central Tenders Committee? Why was that not done in this case? That kind of happening, beggars a whole lot of questions and causes black smears to cloud even the best efforts. Certainly, the reason the Member gave for awarding the contract to Hurlston, that they were making only \$500,000, while Hadsphaltic was making \$2 million, does not hold water because I contend there is no way the Member can know how much profit those bidders were making.

Madam Speaker, I am not an engineer, I am not a contractor, but I speak with people and I ask them questions in areas that I have no knowledge of. I understand that a significant difference between this project and other projects, is that the bidders were asked to bid on sections and so knowledgeable people in the business tell me, it becomes very difficult in those cases for someone not having access to detailed analyses to determine and ascertain the mark-up level on the project. Then there is a common economic argument, that the recession is biting so hard in these Islands, that those people who bid, bid at the lowest possible level because the objective was to land the job in order to avoid laying off any of their crew at present.

I was further made to understand, that if we get the hospital built for this amount of money, we will be getting a truly good deal, a sweetheart of a deal, as the Government is fond of describing them. But, any person in his or her right mind, would have to pause and ask themselves a question; how is it possible that there is such a significant difference between the successful tenderer and experienced multi-national construction companies like McAlpine, Hadsphaltic and even Arch & Godfrey, in association and conjunction with their partner that they had, who I understand are specialists in hospital building. Why is there such a significant difference? If it was half a million or even one million, I could understand, but that difference alarms me, especially, as I am further made to understand that in this business, the lowest bidder is not necessarily the most capable, most experienced, and most able.

**MADAM SPEAKER:**  
conclude or shall we adjourn?

It is now 4:30, would the Honourable Member be able to

**MR. ROY BODDEN:**  
this time, Ma'am.

If it pleases the Chair, I am not likely to be able to conclude in

**MADAM SPEAKER:**

I will now take a motion for the adjournment of the House.

## ADJOURNMENT

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move that this Honourable house do now adjourn until 10 o'clock, on Monday, 29th of June.

**MADAM SPEAKER:**  
morning, the 29th of June at 10 o'clock.

The question is that the House do now adjourn until Monday

**QUESTION PUT:**

**AGREED. AT 4:30 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 29TH JUNE, 1992.**

**MONDAY,  
29TH JUNE, 1992  
10:06 A.M.**

**MADAM SPEAKER:**

Prayers by the Third Elected Member for West Bay.

**PRAYERS**

**MR. JOHN D. JEFFERSON, JR.:**

Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the 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 in the Legislative Assembly are resumed. Questions to Honourable Members, No. 89 standing in the name of the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 89:** Can the Honourable Member say what steps have been taken by the Labour Office to ensure that jobs are filled by Caymanians where they qualify?

**ANSWER:** On a weekly basis the Labour Office submits to the Caymanian Protection Board a current list of Caymanians and persons of Caymanian status/connection who are registered as seeking employment. This list is by name and type of job being sought. In addition to the above, a new programme has been instituted between the Labour Office, the Cayman Islands Hotel and Condominium Association and the Restaurant Association. Under this programme the Labour Office is used as the focal point for applications for vacancies in properties of both Associations. Completed application forms are then forwarded by the Labour Office to the respective employer. The Labour Office also regularly contacts potential employers to ascertain what jobs are available.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

The Elected Member for East End,

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. Could the Member tell this Honourable House if he is satisfied that what is laid out here in this question is really followed by the Labour Board?

**HON. W. NORMAN BODDEN:**

Yes, Madam Speaker. I am convinced that the Labour Office makes a genuine attempt that the proper information is given to the Caymanian Protection Board so that if there are Caymanians without jobs who are qualified to fill positions, that that is taken into consideration before the Board approves permits for those specific categories. I think a genuine attempt is made by the Labour Office.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could say then so many school leavers are still without jobs, especially in the fast food areas and other such areas, where permits have been granted for individuals for those posts?



**HON. W. NORMAN BODDEN:** Madam Speaker, that situation I suppose does exist to some extent. But I believe that every effort is being made by both the Labour Office and the Caymanian Protection Board to reduce that situation to the extent possible.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Would the Honourable Member say whether the Caymanian Protection Board has given him returns or information showing which categories of jobs the work permits have been issued for?

**HON. W. NORMAN BODDEN:** Madam Speaker, we do have statistical data published by the Caymanian Protection Board which is made available to Members of Council and I think it is also published for public information as well.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** A follow-up question. Do they have substantial amounts of work permits issued in categories in which there are Caymanians unemployed?

**HON. W. NORMAN BODDEN:** Yes, it is my opinion that that situation does exist, that there could be positions filled through work permits and that there are Caymanians who perhaps are seeking employment for those specific categories. In order to correct this it has to be an on-going process but what does happen on occasion is that some Caymanians looking for specific jobs are not in truth and in fact, qualified or experienced in some instances to fill those positions.

**MADAM SPEAKER:** The Third Elected Member for West Bay,

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. My question is, what measures are taken by the Director of Labour to have Caymanians who are unemployed register to the Labour Office?

**HON. W. NORMAN BODDEN:** Madam Speaker, announcements are made from time to time and there is a public communications system where the Director of Labour and his staff, even in their inspection of properties encourages persons to register with his office if they are seeking employment. In fact, as I mentioned in the substantive reply, there is a weekly report sent to the Caymanian Protection Board setting out the number of persons who have registered seeking employment and that is listed by category and the Board is also informed in that weekly report of the number of vacancies that exist in the private sector as well.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. In the case of a famous restaurant here on the Island, where all of us know there are only foreigners employed as waiters and waitresses, what is the situation with regard to a young Caymanian applying to that company for a job and being told that they are not needed and then in turn registers with the Labour Office for a post? Is there anything in place whereby the Labour Office can confront that firm and ask that this person be given a job?

**HON. W. NORMAN BODDEN:** Madam Speaker, if the Labour Office has the specifics of any similar cases as outlined by the Member asking the supplementary question, that specific incident would be fully investigated and the report on it communicated to the Caymanian Protection Board. I might add that the point being made by the Member for East End is a point that has been raised quite frequently at various forums and it is a fact that in some properties one gains the impression that the waiters, waitresses and bartenders are all non-Caymanian. In looking very closely at some of those operations you would find that there are a few Caymanians there who are waiters and waitresses and it is normally the middle-aged Caymanians who decide to do that type of work. I know that when attempts are made by properties to invite applications that they do receive very few applications for that category of labour in the hospitality industry.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. As a follow-up to my question on the registration of the unemployed with the Labour Office, it has been my experience that there is very little correlation between the figures that we get from the Statistics Department and what the Labour Board has available as far as those people registered with them. I wonder if the Member could maybe consider improving the communications between the Labour Office and the Statistic Department to ensure that Caymanians who are unemployed are actually registered because as an employer, I have called there a few times and the list is very limited indeed, when I know that unemployment in the Cayman Islands at the present time is 6.3 per cent.

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker, perhaps that communication link could be strengthened but I believe that there is a process in place now with the Statistics Department. However, it is a fact, and the Director of Labour makes this point quite often when quizzed along these lines, that many times our own Caymanian people are reluctant to register and there is an anomaly in the statistics I accept. I think we can

only use that as a very rough estimate and a guide because it is also a fact that in those statistics where persons are listed as unemployed, when those who have been listed have found employment elsewhere, or found new employment, that is never, ever reported to the Labour Office either. So we are aware that there is an anomaly but I believe that this serves as a rough guide to the situation.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member say in cases where the Labour Board becomes aware that jobs are open in the hotel and restaurant industry and local people are not qualified, does the Board make recommendations to Government as to how many people should be trained to satisfy these needs and what is Government's response?

**HON. W. NORMAN BODDEN:** Madam Speaker, we do not get specific recommendations from the Labour Office in regards to training but nevertheless we are aware that training programmes are in place through the Community College. There is also some training effort made by the Hotel and Restaurant Associations as well, but I must admit that much more needs to be done by the hospitality industry to train Caymanians or to offer scholarships to more Caymanians to be trained to fill managerial and other jobs in that industry. Comparisons can be made with the Association of Accountants, the bankers, CUC, Cable and Wireless and I think that the example that has been set by those institutions needs to be followed by the hospitality industry as well. Quite often in my communications with them, either at public forums or in private meetings I have made this point. This I am sure will continue to be pursued.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us if the Labour Board has any record of the number of individual jobs, the class of person who I spoke of who are employed for example in the restaurant area, holds at any one time?

**HON. W. NORMAN BODDEN:** I do not believe that the Labour Board has that statistic. I think they are aware that two and three jobs can be held by some local people but I do not believe they have that statistic.

**MADAM SPEAKER:** The last supplementary is by the Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Could the Member say if any effort is being made by the Protection Board or the Labour Office or any department of Government to coordinate information and communication between themselves to assist the 300 odd students that have graduated a few days ago in finding job placements in the work place here in the Cayman Islands?

**HON. W. NORMAN BODDEN:** Madam Speaker, I am not aware of a specific programme for what the Second Elected Member for Cayman Brac and Little Cayman just asked about. The system which I explained earlier that is in place between the Labour Office and the Caymanian Protection Board certainly remains in place and the Labour Office will offer every assistance in helping some of these students to find jobs. I think that the system works fairly well for those who are serious about finding a job and who are willing to register. I believe every effort will be made by both the Board and the Labour Office to place some of those students.

**MADAM SPEAKER:** The next question is No. 90 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 TOURISM AVIATION AND TRADE**

**NO. 90:** Can the Honourable Member say what is being done to investigate allegations that advertising, by some companies in the Island, is only done as a formality, as in most cases a vacancy is already filled when an advertisement is placed in a newspaper?

**ANSWER:** As a policy the Labour Office spot-checks the local classified advertisements on a daily basis, submitting to the Caymanian Protection Board a weekly report, which advises of any job advertising which appears to be mere "formality" - especially in instances where, in the opinion of the Director of Labour, suitable candidates are registered with that office.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say whether or not there is anybody from the Labour Office who sits with the Protection Board to know exactly what goes on there?

**HON. W. NORMAN BODDEN:**

No, Madam Speaker, not at the present time but the arrangement is that, as and when necessary, the Director of Labour is invited to attend specific meetings of the Caymanian Protection Board.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, will the Member say if the Labour Board has come across many ads with peculiar requirements, for example, a call for a special foreign language or a really long period of experience? Have they found anything like that that would show that the ad has been tailored to suit somebody who might have those specific requirements?

**HON. W. NORMAN BODDEN:**

Madam Speaker, yes, I think the Labour Office has come across ads which they felt were tailored and especially when they had persons registered to fill that specific position or category of labour and in those instances the matter has been brought to the attention of the Caymanian Protection Board and when those specifics are dealt with the system, as I understand it, and there have been instances where this has taken place, the Board then refers the employer back to the Labour Office.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could say if, as a result of checks by the Labour Office, any case with regard to an employer having somebody employed and only advertising in the newspaper as a formality been found?

**HON. W. NORMAN BODDEN:**

Madam Speaker, I do not recall a specific instance other than what I referred to in general terms. I am sure that there are occasions when that situation can arise and it would be handled to conclusion by the Director of Labour.

**MADAM SPEAKER:**

Member for East End.

The next question is No. 91, standing in the name of the

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

**NO. 91:** Can the Honourable Member say whether the airport re-surfacing project is on target for completion?

**ANSWER:** Phase I of the airport pavement rehabilitation project was completed on 12th March, 1992. Work entailed runway resurfacing, grooving, painting and lighting rehabilitation, plus construction, paving and marking the new general aviation apron. Phase II commenced on 4th May, 1992, and is scheduled for completion on 30th November, 1992. Work entails taxiway reconstruction, resurfacing and painting, main apron reconstruction/resurfacing and painting, paver block addition, and taxiway lighting reconstruction.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

I wonder if the Member could tell us with regard to the material being removed in order to resurface the airport, what is happening to that old material?

**HON. W. NORMAN BODDEN:**

Madam Speaker, I do not know what is happening to the old material that has been removed. I imagine it would be used as fill in some part of the Island that it was required.

**MADAM SPEAKER:**

Elected Member for Bodden Town.

The next question is No. 92, standing in the name of the First

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

**NO. 92:** Would the Honourable Member say what is the total number of persons employed in the Civil Service; how many of these are Caymanian; and what percentage of the last budget was allocated for Civil Service salaries?

**ANSWER:** The total number of persons employed in the Civil Service at 31st May, 1992, was one thousand, five hundred and fifty-three (1, 553) of which one thousand and fifteen (1,015) are Caymanian. Basic salary accounted for 33.3 per cent of the total 1992 budget.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say what provisions are being made to reduce those numbers of foreign nationals by Caymanians so that the percentage of Caymanians employed in the Civil Service can be further increased?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, a number of initiatives are in place and on-going towards what is known as the localisation of the Civil Service. We appreciate of course that the Civil Service is primarily a career Civil Service and as such, we are endeavouring to Caymanianise it in order to fulfil that objective. The number of expatriates in the Service are there because there are inadequate numbers of suitably qualified and experienced Caymanians to fill those positions. As soon as the initiatives take effect and the current programmes of localisation are implemented, positions are localised with due regard to the efficiencies and the needs of the Service.

My office receives on a regular basis a list of positions from the Public Service Commission indicating positions that were previously held by contracted officers that are now held by Caymanians and that list informs me on a regular basis of how effective the localisation programme is.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say if there is any effort exercised by the authorities regarding the graduates who leave the high school every year with a few towards recruiting suitably qualified persons for Civil Service work?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the Honourable Member has referred to one of the established and on-going initiatives which is the Annual Careers Convention which is conducted by a local service club organisation and in which the public sector is given an opportunity to offer its various departmental career opportunities to high school graduates. That is one on-going initiative. Other initiatives include direct approaches to sixth and fifth form students by various departmental heads as well as liaison between the Personnel Training Unit and potential school leavers, in addition to the regular and on-going summer internship programme.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you.  
Could the Honourable Member say what is the percentage of the recurrent budget that the Service takes?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the recurrent budget for 1992, was an amount of \$117.4 million. Basic salary was estimated at \$43.6 million which amounts to 37 per cent of the recurrent budget. In addition, if one were to add the allowances in addition to basic salary, which would represent the total of personal emoluments as opposed to basic salary, the percentage becomes 48.7 per cent. That is an amount of \$57.2 million as a percentage of \$117.4 million which is 48.7 per cent.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. In the answer that the Member gave originally he mentioned that there were 1,015 Caymanians employed in the Service. I wonder if the Member would be in a position to give us a rough break-down of that 1,015 Caymanians?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I am so sorry, I do not have the break-down by departments of that total.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, in a recent man-power survey that was done for Government, recommendations were made with regards to containing the growth of the Service. Can the Member tell us if anything has been done in this regard?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker. We are presently operating with a moratorium in effect which has put a freeze on the creation of new posts as well as the up-grading or re-grading of existing posts and we also have put rather stringent requirements in place even for persons seeking approval to fill existing vacancies so that in effect, the brake has been put on at the very top and in order to have any increase in filling an established post or increasing the establishment it is currently very difficult indeed to achieve that. The moratorium having been put into place last year continues in effect for this year.

**MADAM SPEAKER:** If there is no further supplementary, the next question is No. 93, standing in the name of the First Elected Member for Bodden Town.

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

**NO. 93:** Would the Honourable Member say how is the adjudication of complaints against prisoners and prison officers handled?

**ANSWER:** Adjudications against prisoners are dealt with by the Deputy Prison Director in accordance with the procedures laid down in the Prison Rules (1981) (Law 14 of 1975). Adjudications against prison officers are dealt with by the Prison Director in accordance with the procedures laid down in the Code of Discipline for Prison Officers Regulations (1984).

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. In those cases where complaints are made by prison officers against prisoners, at the hearing I wonder if the Honourable Member could say whether the officer making the complaint is present?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, not in all cases because the procedure requires a formal complaint to be lodged in writing and it is not always necessary for the officer lodging the complaint, having put it in writing, to appear in person.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member tell us what recourse the prisoner has with regard to the case put on him?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the prisoner is afforded the opportunity that any person who is accused of a breach of regulations would be accorded in accordance with the principles of natural justice. That is, the charges as laid are presented to the accused and the accused is afforded every opportunity to exculpate himself or herself from the charge so that a defense is afforded and every opportunity is given for that to occur.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you Madam Speaker.  
I wonder if the Honourable Member could say in those cases where there is contention and the proof of the complaint is not easily arrived at. What steps are taken to ensure that the prison officer has full recourse to airing his complaint.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, if the officer hearing a the charge is dissatisfied with either the charge itself or the defense, then the matter continues until such time as the officer is satisfied and a proper determination can be made. In other words more evidence will have to be presented, otherwise, the case has to be dropped.

**MADAM SPEAKER:** The next question is No. 94 standing in the name First Elected Member for Bodden Town.

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

**NO. 94:** Would the Honourable Member say whether there are any regulations which encourage prison officers to recruit relatives into the prison service?

**ANSWER:** There are no such regulations.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. In a recent case, where a high ranking prison officer recruited a relative, I wonder if the Honourable Member could detail the circumstances under which that recruit came to the service.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the recruit in question was recruited by the Prison Director himself, not by the relative as insinuated. The decision on the recruitment was taken after appropriate consideration of all the circumstances and the Prison Director takes responsibility for that decision.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** I wonder if the Member could tell us, Madam Speaker, if in fact,

the Director of Prison was not on vacation when most of this negotiation took place and he was only here for the final.

**HON. J. LEMUEL HURLSTON:** That is not correct, Madam Speaker.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say if the person was recruited in the Cayman Islands or was recruited from a jurisdiction other than the Cayman Islands?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, it is my understanding that the person was recruited from within the jurisdiction of the Cayman Islands.

**MADAM SPEAKER:** The next question is No. 95 standing in the name of the Second Elected Member for Bodden Town.

**THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS AND LEADER OF GOVERNMENT BUSINESS**

**NO. 95:** Would the Honourable Member say when will the draft Constitution be made available to the public?

**ANSWER:** There is no certain date, but the draft Constitution will be made available as soon as it is received from London.

**SUPPLEMENTARY:**

**MADAM SPEAKER:** The Second Elected Member for Bodden Town

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member give the assurance that it will be circulated and will not have to wait to be tabled in the September Meeting?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, I can gladly give that assurance.

**MADAM SPEAKER:** The next question is No. 96 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 HEALTH AND SOCIAL SERVICES**

**NO. 96:** Would the Honourable Member state the cost of the hospital advertisements in the newspapers of the Cayman Islands Health Authority, the reason why they were placed and who paid for them?

**ANSWER:** The advertisements were placed because the Board of the Health Services Authority felt that it was appropriate to bring certain facts to the attention of the public. No government funds, or Health Services Authority funds were expended on these advertisements.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. A part of this question asks who paid for them? I wonder if the Member would answer that part?

**HON. D. EZZARD MILLER:** Madam Speaker, I did.

**MADAM SPEAKER:** Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member tell us what results have been obtained from the publication of these advertisements?

**HON. D. EZZARD MILLER:** Madam Speaker, I think that the results were that the facts were placed before the public as opposed to the misinformation being spread by certain quarters.

**MADAM SPEAKER:** Third Elected Member for George Town

**MR. TRUMAN M. BODDEN:** Could the Honourable Member say whether the advertisements themselves were seen and approved by the Health Services Authority and secondly, were there any contributions towards payment for these advertisements?

**HON. D. EZZARD MILLER:** There were no contributions from anyone except myself toward the payment for those advertisements and they were not seen and approved prior to publication by the Board of Authority. I was given that authority by the Board prior to publishing the advertisements.

**MADAM SPEAKER:** The next question stands 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 HEALTH AND SOCIAL SERVICES**

**NO. 97:** Will the Honourable member say what is the proposed plan in respect of the prevention of dumping in Barkers, West Bay?

**ANSWER:** The Environmental Health Section has conducted several public education programmes which focus on the problems of illegal dumping and its corresponding pollution. Three times per week, including holidays, every resident of West Bay has access to a comprehensive and reliable refuse collection service. Despite this, many residents continue to illegally dump refuse in the Barkers area.

The proposed plan to prevent illegal dumping is to continue with public education programmes in association with increased surveillance and enforcement. This has been shown to be extremely effective in other areas of the Island and with the cooperation of all citizens it is expected that similar success will also be achieved in West Bay.

**SUPPLEMENTARY:**

**MADAM SPEAKER:** Third Elected Member for West Bay

**MR. JOHN D. JEFFERSON, JR.:** Madam Speaker, in the Members answer, he mentioned that there has been increased surveillance of the area. I wonder if he would mention how often an officer goes in that area?

**HON. D. EZZARD MILLER:** Madam Speaker, we have district officers who are assigned to the various districts and there is an officer assigned to West Bay and it is possible that he could be visiting that area as often as daily.

**MADAM SPEAKER:** There is no further supplementary. The next question is No. 98 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 COMMUNICATIONS, WORKS AND AGRICULTURE**

**NO. 98:** Will the Honourable Member give a breakdown of projects requested for the district of West Bay since 1989, including cost and current status?

**ANSWER:** Due to the diversity of verbal and written requests made and the length of period to which the question relates, I was unable to obtain from the Public Works Department details of the costs or status of the various projects requested. Requests for projects include agricultural services, boat ramps, carparks, drains, land clearing, parks, playfields, streetlights, roads, etcetera.

I have instructed the Public Works Department to let me have the requested information as soon as possible. The Chief Engineer has advised that the list will be ready by 8th July, at which time I will distribute same to all Honourable Members.

**MADAM SPEAKER:** If there are no supplementaries, the next question is No. 99 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

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

**NO. 99:** Will the Honourable Member say if there is a policy in place whereby the names and bids of companies submitting tenders for Government projects are published after selection?

**ANSWER:** Madam Speaker, there is no policy in place whereby the names and bids of companies

submitting tenders for Government projects are published after selection is made. Section 8.7, paragraph (g) of the Financial and Stores Regulations, however, provides that "the Secretary of the Central Tender Committee will notify the successful tenderer, in writing, that he has been awarded the contract and will also notify the remaining tenderers that their bids have been unsuccessful.". Madam Speaker, this paragraph also provides that "the Secretary of the relevant Tender Committee will arrange for the names of the successful tenderers and the amounts of their bids to be published in the Gazette on a quarterly basis."

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Is it the case then that the Health Authority, when it published the various bids of the various companies which submitted bids on the hospital, was setting somewhat of a precedent for the way of handling things in Government in terms of tendering?

**HON. GEORGE A. McCARTHY JP.** Madam Speaker, the Health Authority, as a statutory body, has a certain level of flexibility in terms of how it handles tendering procedures. It could be regarded as a precedent if it is viewed in light of the requirements as set out in the Financial and Stores Regulations but in view of its autonomy, I think we will have to allow that it enjoys that prerogative.

**MADAM SPEAKER:** The First Elected Member for Bodden Town

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honorable Member could say if the Government has a register of approved contractors and if the Government discourages any of the Authorities from tendering to contractors other than are on this approved register?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, the answer that is being sought will be provided in a separate question which will be answered on Wednesday.

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

**MR. GILBERT A. McLEAN:** In view of the fact that there has always been controversy surrounding instances when Government projects a tender, would it not be a positive situation if the Member would undertake to amend the regulations to which he referred in his answer with the view of providing that sort of vital information for the public so that all might know when tenders like that are received and accepted?

**HON. GEORGE A. McCARTHY, JP.** The Member is quite right. It will be a useful policy to pursue. The Government has given its undertaking in the Government's Minutes on the 1990 Accounts that Statutory Bodies for which guarantees will be sought to be provide by Government is effective as of the laying of the Minutes on the Table and that in future, all such bids will be dealt with through the Public Tenders Committee. A further policy is being pursued and what will be done is that in future, rather than seeking to publish the information on a quarterly basis through the Gazette, the Financial and Stores Regulations will be amended that such information will be provided through the news media, such as the *Caymanian Compass*, as soon as the information is available and the bid has been awarded.

**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 in the case where the unsuccessful tenders were also published, if the Government had the authority of these tenderers to publish their bids publicly?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, I have been made to understand that the Health Authority had the authority to publish the information.

**MADAM SPEAKER:** It is now 11:00 o'clock. I will take a motion for the Suspension of Standing Orders.

11:00 A.M.

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

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move the Suspension of Standing Orders 23(7) and (8) in order to complete the Questions on today's Order Paper.

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



**SUPPLEMENTARIES (continuing):**

**MADAM SPEAKER:** Supplementaries. The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you Madam Speaker. The Member mentioned that Government has adopted a policy that ensures that all Statutory Body's contracts are awarded through the Central Tenders Committee, I wonder if he could say when this new policy came into effect?

**HON. GEORGE A. McCARTHY, JP.** That would have come into effect Madam Speaker, on the 19th of March when the Government's Minutes were laid on the Table.

**MADAM SPEAKER:** Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Madam Speaker, there seems to be an inconsistency. If that policy was in effect in March, why then was the Health Authority's contract not subject to the Central Tenders Committee's award?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, I have been made to understand that the tendering process for the awarding of the various segments of the Health Services contract were in the process of being dealt with and would not have been caught up by this date which is the 19th of March.

**MADAM SPEAKER:** If there is no further supplementary, the last question is No. 100 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 FINANCE AND DEVELOPMENT**

**NO. 100:** Will the Honourable Member say what was the cost of the Customs boat and engine used in Grand Cayman and the cost of operation and maintenance to date?

**ANSWER:** Madam Speaker, the Customs pursuit boat, christened "Derry's Pride", was donated by the United States Customs Service in December, 1988. Total costs incurred in obtaining the vessel amounted to CI\$11,560.00, inclusive of shipping and landing charges.

Maintenance charges are as follows:

January to December 1989	CI\$18,131.89
January to December 1990 (The 1990 maintenance charge includes the purchase of three new engines, at a total cost of CI\$16,561.00).	CI\$23,826.42
January to December 1991	CI\$18,431.05
1st January to 19th June 1992	CI\$15,176.51.

Whilst in operation, the pursuit boat "Derry's Pride" is manned by a crew of 3 men: 1 Senior Customs Officer (Captain) - P2 scale; 2 Customs Officers - P1 scale.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Would the Member say, first, if the boat he has referred to as "Derry's Pride," is the only boat used by the Customs as a pursuit boat? Secondly, why are the costs so high for its annual maintenance?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, it is the only boat used by the Customs Department and their operating cost is so high because of the staff salaries that are factored into the operating costs on an annual basis.

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

**MR. GILBERT A. McLEAN:** Is it not true that because there is not hired a person who is well skilled in the operation of this boat, that there are often serious mechanical problems as it is not handled in the best of fashion? For example, in 1990 there was a purchase of three new engines.

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, according to the information provided, the persons who are manning the boat are persons with experience. In relationship to the engines, the three of them at the same time, I would have to look into that matter to determine what would have been the cause of the three engines being replaced at the same time.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Madam Speaker, in the Members answer, he mentioned that three new engines were purchased in 1990. I wonder if he can confirm if this is the only time new engines were purchased for this boat and also confirm whether or not this vessel has been run aground at any time? If it has been, what was the damage sustained by the vessel?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, the replacement of the engines in 1990 was the only time that they were replaced and I understand that in September of last year the boat ran aground with one of the senior officers but only sustained minor damages. This did not result in any substantial repair costs.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us what experience the Senior Customs Officers have with regard to operating this boat and if they had any years of experience as a sea captain?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, I understand that the training provided to these officers was done by the United States Coast Guard. I do not have the information as to the lengthy experience of any particular officer and whether such experience stands out. I could pursue this inquiry further and provide the information to the Member.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, I think it was last year, the Commissioner of Police gave an understanding to this House, that it is the policy of the police to attempt to recruit persons to operate their boats who have experience as boat operators. Would the Member undertake to take under consideration the idea of hiring such persons specifically as boat operators, taking Customs Officers where they have to go and leaving the Customs Officers to do their duties while they man the boat?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, that is a very sensible suggestion but what we may have to look at now is to consider the amount of experience that has been accumulated with these officers and if their training up to this point has been specifically directed in the manning of this boat. It would probably not be in the interest of Government at this time to change it. However, if it is found that the boats are not being properly operated because of a lack of accumulated skills that should be required to insure such at this time, definitely that consideration will be given.

**MADAM SPEAKER:** That concludes Question Time for this morning.

## GOVERNMENT BUSINESS

### MOTIONS

#### GOVERNMENT MOTION NO. 3/92

##### CAYMAN ISLANDS HEALTH AUTHORITY - LOAN GUARANTEE

(Continuation of debate thereon)

**MADAM SPEAKER:** The next item, Government Business Motion. Government Motion No. 3 of 92. Continuation of debate. The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. Prior to the adjournment on Friday afternoon I was making the point that it was difficult, if not impossible, for the Honourable Member to ascertain exactly the amount of profit that would be made by two of the tendering companies since it is my understanding that the break-downs provided left that information in a very unclear and ambiguous manner.

I have another area of major concern with what the Member put forward. In the *Caymanian Compass* of the 25th of May, 1992, Mr. Arek Joseph in commenting on the cost disparity of the bids, said:

"A comparison of the basic elemental break-down of the bids covering concrete, masonry, steel, air-conditioning, plumbing and electrical services had revealed that the three bids were in a good range of each other. That is, the three lowest bids. There was only a six per cent difference between the two lowest bidders for the basic elements, he said. The variations were in anticipated over-heads such as supervision costs and use of construction equipment, he explained.

The analysis also revealed that the three lowest bidders had gone over the consultants detailed costing of the basic construction elements as follows: Hurlston Construction by 3.4 per cent; Hadsphatic by 9.3 per cent; McAlpine by 18.3 per cent."

That brings me to a very important point. If these were the three lowest bidders and all three of them had gone over the detailed costing of the basic construction elements, what assurance have we that the successful company is not going to come back at a later date and say there have been miscalculations, or there have been adjustments in the cost of materials, or in the cost of construction therefore, they need more money in order to complete the job. May I suggest that the performance bond should be a full performance bond? not the \$1 million plus that the Member has accepted and my reason for so suggesting is as follows.

Should the Government change, and for whatever reason the contractor defaults then the people of the Cayman Islands would be at a disadvantage under the present bond. That would not be the case if there was a full performance bond. Also, requiring a full performance bond would prevent the successful company from coming to the Government at a later stage claiming additional funds because of an escalation in costs or a miscalculation or some other quirk in the negotiations. It is important that this should be required.

I would be prepared to give serious consideration to supporting this application for a loan if the Member would require the company to tender a full performance bond because it would give me a certain amount of satisfaction that I could pass on to my constituents that in the event of any contingency the Government and peoples of this country would be protected because Hurlston Construction would have to put up that \$15.5 million against that contract. That money would remain in escrow until the project was completed to the satisfaction of the Health Services Authority, thereby affording protection to the Cayman Islands Government and people.

Also, regarding the projections made by Ernst & Young, I wonder if the Member would consider getting an independent verification? My reason for requesting this is a simple common-sensical one. An argument for supposition sake. If I tell someone that a particular vehicle can go from 0 to 60 miles per hour in 5.5 seconds, or whatever the case may be, that is my word. It is more convincing if I have an independent source confirming that or if the person can see that performance for themselves. So what I am saying here, having regard for the reputation of this company, it certainly would be more convincing if we had this verification from an independent source. These are simple points which I think the Member could adapt to strengthen the case for his bid to acquire this loan.

I am concerned however, that while there has been some information provided, there is a conspicuous absence of other relevant information some of which we were expecting to have. For example, where is the PSIC Report on this project? It was my understanding that the Honourable Member was going to make that report available to this Honourable House. I vividly recall also, that the Government brought down two experts from the Caribbean Development Bank to assess and review this project. I wonder if the Government could make available to this Honourable House the reports of these people? And why have they not made available to us the report from the Public Sector Investment Committee and from these experts from the Caribbean Development Bank? If, they have reports from these, is there something that we should know that the Honourable Member is scared to tell us? Is there something that the Caymanian public should know? And I challenge the Member, because he says he has an undertaking from the insurance companies to show this House the undertaking that the rates will be kept within a certain range because it is my understanding that up until the 12th of June there had been no conclusive agreement.

If the Member can produce that I would be prepared to give way and swallow my words. Madam Speaker, we have been labouring for too long under deceit and obfuscation and it is driving this country to financial ruin and no representative in his good senses would be prepared to support a project of this magnitude at this time with such vital information lacking. I want to take issue with something else the Member said in his introduction to this motion and I quote from the unedited *Hansard*: "Most social projects of this social need for the community are not judged on their financial feasibility or affordability but on such projects as hospitals, schools carry such a high social need and impact that they should be judged on the fact that the country cannot afford not to build and complete this project of this nature at this time." If there ever is a fallacy that is one. The bottom line is, who pays? Who can afford to pay and what will be the cost? I am saying, as has been said before, the question is not that we do not desire improved health services for our people, our positions are crystal on that. The critical point is we cannot afford a project of this magnitude at this time.

The developing world is full of text-book cases of countries which embarked on ill-advised and ill-afforded projects. I thought that we in the Cayman Islands would always be different, would always be above that, would always be above those kinds of politics but unfortunately I have to be disappointed yet, once again. I note with interest that the Government, the Elected Executive Council would be quite content to see this debate close without any other Member, save the Member moving the motion contributing. I wonder why? I wonder if the Honourable Member with responsibility for Communications Works and Agriculture would care to tell us the results of the poll conducted by the committee to have him elected? Where, 300 people were polled and what the results were. I wonder if he would care to tell us why after he was wavering in his support for the project has suddenly come out so firmly in favour of it? If he has found it financial viable and if he has found it affordable to the populace of this country?

I do not wish to hear about collective responsibility. I have a grasp of that now. But let me hasten to remind the Elected Members of Executive Council the ultimate in collective responsibility lies with the voting populace of this country, lies with the electorate and if this loan is visited upon them, then we will know what collective responsibility is on the morning of November the 19th. I do not know if the Labour Board has any provision for registering unemployed politicians but I have a feeling if we get this loan some politicians may be looking for other employment. I am reminded that Lord Acton, yes the same Acton who says, "power corrupts and absolute power tends to corrupt absolutely", also says "to suffer no man and no cause to escape the undying penalty which history has the power to inflict on wrong doing."

I believe and we, from the Backbench, have said it often enough, economic trends reflect it. This country cannot afford this project at this time. It is ill-advised and fool hardy. If there have been cost over-runs in the basic breakdowns that have been presented and no work has been started as yet, what might I ask will be the final outcome? Will we be able to contain this project within the allotted budget? Or will it be a fiasco where we have a series of miscalculations on a project which cannot be completed because the money allotted was not enough? Then too, there is the question of the awarding of the contract and the way in which that was done. The Government gave an undertaking in the Government Minute that they were going to route all contracts over \$100,000 through the Central Tenders Committee. Why was that not done in this case?

Also (and this alarms me) I am made to understand that the successful tenderer had a champagne celebration on the very day they tendered their bid. And lastly, why did the Chairman wait until this contract was successfully tendered by a company, some of whose principles he has fraternised with, before he resigned as Chairman. Madam Speaker, that begs a question that cannot be good! And it violates the Caymanian sense of propriety. I am not here to say that anything untoward happened. Heaven forbid! I am saying it smells of a skunk! You know in some other jurisdictions the people would not take this kind of thing in such a civilised fashion. And what frightens me about this kind of behavior is that the next political directorate will feel that they have to do the same thing because the precedent has already been set. But, Madam Speaker, I give this Honourable House and this country an undertaking it will not happen in any Government of which Roy Bodden is a part.

We will play it by the straight and narrow and everything will be up front and above board. That is why personally I prefer to remain detached and aloof. I do not want to cultivate people who see an opportunity in my friendship political or otherwise. You know, I keep remarking that the greatest awareness I have had comes from the experiences I have had since I became a Member of this House because prior to that I only read about certain kinds of things but now I am beginning to see how and why some countries have political, social and economic break-downs and I fear for my country.

**MADAM SPEAKER:**  
we might take the suspension?

Has the Honourable Member reached a convenient time where

**MR. ROY BODDEN:**

Yes, Ma'am.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

#### AT 11:36 A.M. THE HOUSE WAS SUSPENDED

#### HOUSE RESUMED AT 11:57 A.M.

**MADAM SPEAKER:**  
continuing the debate.

Please be seated. The First Elected Member for Bodden Town,

**MR. ROY BODDEN:**

Thank you, Madam Speaker. One of the striking features about this project is that it has evoked the interest of all sections of our country and in the absence of empirical evidence to the contrary I have to remark that the opinion and sentiments against the project far out-weighs any opinion in favour of the project. I believe the fact that the Caymanian people have always been blessed with good common sense accounts for this, and among those with whom I have spoken concerning this project one important sentiment comes with a ringing unanimity: The concern that we cannot afford this project at this time. I would say to the Honourable Member that it is a wise General who knows when to retreat. There is no disgrace in retreating, there is only disgrace in plowing head-long with full obstinacy into an ignominious failure.

I would remind the Member, as he mentioned social responsibility, it is a social responsibility for us to get this hospital. It is his social responsibility to give us this hospital. Juxtapose that against the moral obligation of any Government, which I think should be to leave the country at the very least no worse than they found it financially. Sure, we can get the hospital, and I am convinced we will get the hospital because I know what the holder of the balance of power is going to do. But consider the moral obligation and consider the burden that will be saddled upon future generations of Caymanians, a burden that will threaten a livelihood and a standard of living that we have not only come to know but come to expect. I have to ask, what good is it to have the best facility in the region if we cannot afford to use it? If we have to mortgage our future to get it?

The Cayman Islands Medical and Dental Society is in this regard imminently qualified to pass opinions on such a project, Madam Speaker, and they have raised many concerns which I think we should take into consideration. Not the least of which is their question on the correctness of the projections made. They take issue with the projections made and predictions made by the Cayman Islands Health Authority. And I fail to see how, given a population of our size, and barring some unforeseen natural disaster, how hospital admissions and stay can increase according to the level of prediction by the CIHSA. So I guess one could say that the project cannot work because it is based on a faulty premise. I wonder if any consideration has been given in this time of economic stringency and recession when the burden comes, has any consideration been given to the fact that those people who have an option to leave the Cayman Islands will no doubt exercise that option, thereby, leaving even more burden on those of us who will stay.

You see, when we take these kinds of decisions, not only have we to consider the scope of the technology, the grandiosity of the scheme, the prestige in its implementation, but

we have to consider some other things which the balance sheet does not show. How will it affect the rank and file? What is the worse case scenario? What happens if this hospital is built and instead of the cost being, as it has been projected, if there is a worse case scenario and the cost has to be doubled and the burden has to be borne by far fewer numbers? How can we in the Cayman Islands afford that? Or can we afford it? Might it not be better to take our time?

There is also the matter of concerns over the physical site which I have visited on a number of occasions. Not being a building engineer or a contractor, I fail to see how a building of that nature can be inexpensively sited in that swamp. I hope this is not one of those cases where we are going to be told that there were omissions, miscalculations or errors. Then too there is the question of the site as regards the flight path of which is really not an improvement over the present site. So all in all, one could say that the advantages of this proposed project are not very outstanding. And I raise the caution in light of our already precarious financial position and the anticipation of funds we will have to expend on Cayman Airways, are we in a position to afford a hospital of this magnitude at this time?

If I were asked to advise the Member I would say, as they say in the supermarkets when they are out of stock of something, take a rain-check. Try to effect some improvement in the present system, bearing in mind that we have a recession. By all means go ahead with the improvement to the Faith Hospital as proposed for Cayman Brac and Little Cayman, but certainly if the information put out by the experts, as was prepared by the Council of the Cayman Islands Medical and Dental Society, states, then we are ill-advised. I know that there is a weakness in this and that the Member is likely to come back and say that there is some conflict of interest because some of the people who are members of this Society also operate some health clinics and health services. Of course! That is so and I accept that to a certain extent. The conflict of interest however, is not so blatant or so glaring as to be hopelessly prejudiced.

We would be well advised at this time to scale down this project. I do not buy the argument that because of the recession we are getting a bargain on labour. That does not necessarily follow, Madam Speaker. Neither do I buy the argument that interest rates are favourable at this time. That also, does not necessarily follow. What I am saying is that there are too many strikes against this project and if it goes ahead, I have to be a Jeremiah and say that it is going to increase the financial burden on an already strained population. We are already in financially straitened circumstances as a result of this Government and they are going out leaving us deeper in a quagmire. You know, Madam Speaker, maybe, just maybe, that this is a political strategy of sorts so that the next Government, the next political directorate can be so hand-cuffed and so financially strapped that they could only survive one term if they are lucky. That is not far-fetched, that is not the most impossible or improbable of schemes. I have to say that for all its promises this present Elected Executive Council, when the chronicle is read will be one with a record of most taxes, grossest mismanagement and one which has consistently and deliberately disregarded the opinions of the Backbench and the population as a whole.

I am reminded of a comment made by the Honourable Member moving this Bill, in his most recent public meeting in his constituency where he said that the Backbench should be responsible and work with the Government. But how can that be when the records show that every time Backbench Members caution the Government and beg them to consider and reconsider, the efforts were spurned? We were accused of being irresponsible, of being power hungry of trying to take the reins from the Elected Executive Council, of being single entry bookkeepers and I could on, Madam Speaker.

Never once were we given the credit that what we proposed made sense. And remember too, that we do not have the kind of system where the Backbench can present alternative models and plans in the Parliament. Our system lacks that kind of sophistication at this point so we would be out of order if we came here and said, do not do that one, do this one. What is most important is that in every case where we have advised caution, we have done so as a result of consulting with our constituents, the private sector and interested people in this community. The Government must realise that there is a certain advantage among the Backbench and that advantage is that while they have Departments and Portfolios to run, the Backbench have no such obligations and by virtue of that fact are freer to move, discourse and converse and to ascertain the temperature and opinions of the people. We have done so consistently and fairly.

Once again, we make the plea, once again we are warning the Government, once again we beg the Member to retract, to pull back, to come again at some more convenient and affordable time. Madam Speaker, if I were a wagering man I would wager what kind of reply there is going to be from the Member in the winding up. We are going to be castigated individually and collectively and told in no uncertain terms that the Government has the will and they are going to drive head-long. We are going to be told that we are incapable, that we are incompetent and that we are buffoons. I would be very surprised, indeed I would be shocked if the attitude is different but I stand here without fear or favour, content in the fact that I, along with my colleagues, have tried our best. I have discharged my duty. I have heard those of my colleagues who have spoken discharge theirs with sincerity and with conviction and above all, out of a total regard for the financial state of our country.

I might never be an Executive Council Member. There are many sips between the cup and the lip but, Madam Speaker, I will tell you what I will always be, as long as I remain in this Honourable House, I will always be one who speaks according to the conviction of my conscience and the dictates of my country and constituency and when the time comes, if it is my desire, I will put my record on the line and if I go down, it will be fighting on the side of what I consider fair, just, honest and affordable. This is not what falls under that rubric according to my judgement and I want to state categorically and unequivocally this motion will get no support from this Elected Member representing the good constituents of Bodden Town as it stands now. Thank you.

**MADAM SPEAKER:**

The Honourable Member for Communications and Works.

**HON. LINFORD A. PIERSON:**

Thank you, Madam Speaker. May I firstly, Madam Speaker, take this opportunity to also publicly welcome and congratulate the two new Members to the Assembly, namely, the Second Official Member, Mr. Anthony Smellie and the Third Official Member, Mr. George McCarthy on their appointment. Like Mr. McCarthy, I trust that very soon the Honourable Acting Second Official Member, Mr. Smellie, will also be properly and permanently appointed to this House.

There has been much controversy regarding the proposed new hospital. There are always two sides to a coin. I will in my short attempt to present both sides as objectively as I possibly can. Comments have centered around the proposed location, the cost of the project, but perhaps most importantly on the financial viability of the project. There have been valid concerns expressed as well as the public would have heard politically expedient positions taken.

Various previous speakers have referred to a poll that was conducted by my campaign committee and by the importance they have placed on this, I wonder why they did not find it appropriate to also conduct a similar poll? It was because of the number of public representations made to me earlier in the year that my campaign committee decided to carry out a poll to ascertain as fully as possible the views of the public on this very important issue. The results of that poll showed that of 300 individuals registered throughout the Island, that is in each district, that a total of 54 per cent was against the building of a new hospital at this time. With 20 per cent in favour.

I cannot understand why previous speakers would feel that this is information which I would be afraid to divulge because it was done with the explicit view of ascertaining at that time position as far as I could of the feeling of the public with a view to giving this information to my colleagues. Having received the results of the poll, I immediately informed my Elected colleagues and other Members of Executive Council of the results. Although I was informed that two other private polls had been taken with similar results my committee wanted to carry out their own poll through their own independent resources.

Prior to my committee conducting the poll, I can safely say without fear of infringing any secrecy or confidentiality of Executive Council that I had written to the Honourable Member for Health, copied to other Honourable Members of Executive Council setting out my views and concerns. Madam Speaker, I will not say more on that particular point. Much has also been said regarding collective responsibility and I would have thought that, especially for Members who have had the opportunity and privilege of serving on Executive Council that they would know the provisions of our Constitution as regards collective responsibility.

Basically a Member of Executive Council, unlike say an ordinary Member of the Legislative Assembly, that is a Backbencher, does not have the freedom of choice to vote on issues as he sees fit but is bound by the majority of consensus as is well known for anyone who has read the constitution. I would like, with your permission, to refer to section 9(2) of the 1972 Constitution in this respect:

"9. (2) It shall be the duty of a member so charged with responsibility to act in the exercise thereof in accordance with the policies of the Government as decided in the Council (meaning Executive Council) and in accordance with the principles of collective responsibility, and to support in the Legislative Assembly any measure decided upon in the Council, unless he has received the prior permission of the Governor to act otherwise or not to support such a measure."

That provision is quite specific. I think it was the Second Elected Member for Bodden Town who said that a Member of Executive Council can vote against an issue in Executive Council. But that Member who has served on Executive Council in a prior administration should know that Executive Council does not operate under a vote system but on a consensus basis and the majority consensus rules the day. And it is in accordance with that majority consensus that the principle of collective responsibility emanates and whatever the majority agrees on in Executive Council must be supported in this Honourable House. If any Member of the Backbench does not believe that this is the case, then they should ask the previous Financial Secretary, who stated in the papers that he could not, while he was in Executive Council, make any comments on the hospital.

In addition to the constitutional position of a Member of Executive Council, there are other considerations such as the provisions under the guide to the operations of the Executive Council and to the conduct and duties of the Members of Council. Chapter 5, of these guidelines is quite specific on the question of secrecy and those aspiring politicians for Council membership will find out that this is one of the first things that they will be required to comply with. On taking up the office of an Executive Council Member such a Member is required to take, in addition to the oath of allegiance, an oath for due execution of his office, the oath of an Executive Councillor which includes the undertaking not to reveal directly or indirectly such matters as shall be debated in Council and committed to the Councillors secrecy.

Thus the reason why I am unable to state more fully and specifically what transpired leading up to a decision been taken by Exco to approve the Government guarantee of a new hospital at that level. However, my position has been recorded in the Minutes of Executive Council. I thought it appropriate for me, in view of public speculation as to my position in this matter, to preface my remarks and contribution to this debate by first outlining the position a Member of Executive Council finds himself in on a controversial matter which he may not necessarily agree with.

In short, a Member of Executive Council is caught, as I said earlier, under the principle of collective responsibility and section of the constitution refers. The only option therefore, that is open to a Member of Executive Council who disagrees with the majority consensus on any particular issues would be one, to request to be released from collective responsibility by the Governor, which is normally unusual in these cases, or to resign from Council and thus, in the present circumstances, no doubt pull

down the Government.

There were a few people who felt that the new hospital was a serious enough issue to resign over but when this matter was fully researched the vast majority of the people with whom I discussed the matter felt that this course of action would have been inappropriate. They also felt that I had done all that I could possibly do and to resign over this issue was not in the best interest of the country. From my own point of view I felt that I had made every attempt to apprise my colleagues of my views and thereafter could only hope that they would try to see it my way before taking a decision in Executive Council. As stated earlier, under the Constitution section 9 (2), once a decision is taken under the principle of collective responsibility it must be supported in the Legislative Assembly unless, as stated previously, the prior permission to act other wise is obtained.

I would like to now move from the question of collective responsibility as I hope that I have explained that as fully as necessary and that there is no doubt now in the minds of this House or the listening public responsibilities of an Elected Member of Executive Council or any Member of Executive Council as far as that goes within the principle of collective responsibility. I would now wish to comment briefly on the Bill before us, but before doing so I feel it appropriate to set the record straight on a few misconceptions or deliberate misinformation fed to the public by certain individuals on the way contracts are awarded.

I believe that it is the general misconception that Members of Executive Council become involved with the awarding of contracts. Nothing could be further from the truth. No Member of Executive Council is involved with the awarding of contracts. I can personally say without any fear of successful contradiction that I personally have never been involved nor have I influenced the granting of a single contract awarded by Government. I therefore, Madam Speaker, challenge any Member of this House or of the public to give proofs of this ever happening.

There are basically two ways in which contracts are awarded through Government and are as follows. I am speaking specifically of contracts which are awarded by Public Works Department in the absence of the Central Tenders Committee. Those contracts are up to \$350,000 awarded by the Public Works Department Tender Committee. Other departmental contracts range in the vicinity of \$100,000, but I am dealing more specifically with the Public Works Department.

Contracts of up to \$350,000 are awarded through the Public Works Department Tenders under the supervision of the Chief Engineer. Contracts of over \$350,000 are awarded through the Central Tenders Committee and one only has to look at the composition of that Board to satisfy ones self that contracts awarded are won fairly and squarely. When one hears unfounded rumours that Hurlston Construction or any other company has won a contract because of help received from any Member of Executive Council, you can rest assured that nothing, and I say nothing, could be further from the truth. Whatever Government contracts that have been awarded to Hurlston Construction or any other company, as far as I am aware, have been won fairly and squarely. Unless there are those of us who question the honesty and integrity of the members of the Central Tenders Committee, I can personally say that I have the highest regards for the members of that Committee.

For example, that Committee is comprised of men such as Mr. Woodward Terry, the Chairman, Mr. Donnie Ebanks, the Chief Engineer of Public Works, Mr. Heber Arch, one of the leading contractors in this Island and many, many other men of the very highest integrity. It is interesting to note that not one Member of Executive Council sits on the Central Tenders Committee. So any question as to the propriety of the operation of the Central Tenders Committee would also be an unfair reflection of the honesty and integrity of these fine gentlemen who comprise that committee.

**MR. W. McKEEVA BUSH:**

This did not go there.

**HON. LINFORD A. PIERSON:**

Madam Speaker. . . .

**MR. W. McKEEVA BUSH:**

The hospital did not go there.

**HON. LINFORD A. PIERSON:**

Madam Speaker, it is my personal opinion that any contracts awarded to whatever company is obtained, as I said earlier, fairly and squarely.

**MR. W. McKEEVA BUSH:**

But this one did not go there.

**HON. LINFORD A. PIERSON:**

Madam Speaker, questions have also been raised about contracts awarded by Statutory Authorities, such as the Health Services Authority. These are Statutory Authorities of Government. It must firstly be understood that Statutory Authorities by definition are regarded as quasi Government departments as they operate under their own laws with their own independent management board. Contracts for these Statutory Authorities are usually awarded through their respective boards or committees set up for that purpose.

It is my understanding, however that there is a move ahead to subject future contracts of all statutory authorities to the scrutiny of the Central Tenders Committee. I wish to go on record as saying that I would not have any objection to such a move as I have always believed in an open Government and I do not believe that any of the Authorities have anything to hide.

I wish now to move on to the Motion which is Government Motion No. 3/92. To refresh the minds of the listening public, I will briefly go through the text of this motion. The pre-ambule to the motion reads:

"WHEREAS it is provided under section 28(1)(a) of the Public Finance and audit Law that "No public officer shall give a guarantee involving any financial liability upon the Government unless such guarantee is given -

- (a) for the purposes of and in accordance with the provisions of a law or a resolution of the Legislative Assembly; or
- (b) with the prior approval of the Finance committee.";

BE IT THEREFORE RESOLVED THAT the Legislative Assembly of the Cayman Islands, acting in accordance with section 28(1)(a) of the Public Finance and Audit Law, 1985, authorise the Government of the Cayman Islands to act as guarantor in respect of a loan of CI\$18,000,000.00 (or the equivalent in United States Dollars) by the Bank of Nova Scotia, Barclays Bank PLC and the Canadian Imperial Bank of Commerce and Trust Company (Cayman) Limited to the Cayman Islands Health Services Authority for the construction and equipping of a hospital in George Town, Grand Cayman and the expansion of the Faith Hospital in Cayman Brac."

On the question of the new hospital, I have heard a number of objections voiced against it but I am yet to hear anyone say that we do not need a new hospital, or at least new and improved health services facilities. The sentiments that I have heard expressed relate to the timing of the hospital, that is the building of a new hospital. However, one could also ask the question when will there ever be a right time? Madam Speaker, the building of a new hospital will not get any cheaper and I said when I started that I would give both sides of the coin and I will attempt to do that.

**MADAM SPEAKER:** Honourable Member, I understand there is a meeting of the Business Committee at 10 minutes to one, would you take a break now?

**HON. LINFORD A. PIERSON:** Yes, Madam Speaker.

**MADAM SPEAKER:** The House will be suspended until 2:15.

**AT 12:46 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:22 P.M.**

**MADAM SPEAKER:** Please be seated. The Honourable Member for Works and Communications continuing, the debate.

**HON. LINFORD A. PIERSON:** Thank you, Madam Speaker. When we took the break I had reached the point where I said that the building of a new hospital in the future would not get any cheaper. It is not unprecedented for a Government in these Islands to receive major objections to capital projects. I recall in 1976, when the Port Authority was being developed by the late Mr. Berkley Bush, the then Member for Communications and Works, that there was a big up-roar over the expenditure at that time. Yet, no-one can now dispute the wisdom of the development of that project.

Similarly, there was an up-roar when the decision was taken to build a courts office and this very building, which houses our Legislative Assembly. The critics at that time said, and I believe the year was 1972, that the Government of the day was wasting money and that both the courts and the Legislative Assembly should have been housed in the same building. Yet, today as the Member for Communication, Works and Agriculture, I am constantly bombarded with questions from this House, in particular from my colleague the Third Elected Member for George Town questioning when Government is going to enter into negotiations to build additional courts space.

Though there have been objections regarding the location, the configuration, etcetera, of the new hospital by the Cayman Islands Medical and Dental Society, and other interested groups and individuals, my major concern has always been central to the question of the economic and financial feasibility of the new hospital. Not on the question of the location, that is the least of my concerns. I did, however, question the concept of a split-site, but it was explained to me that the present hospital facility would be converted into the George Town Clinic and also utilised as a Hospice for the rehabilitation of drug addicts, aid patients, etcetera. Also I had questioned whether the new hospital could not have been developed on the existing site and expanded by utilising the area now occupied by the MRCU, but again I was told that the proposed site was more ideal for a number of reasons.

These reasons were verified by the consultancy firm of Ellerby Beckett. My main concern, as I said earlier, has always been central to the economic and financial feasibility of the new project. But let me ask the question which I pose to my colleagues. In view of the social elements involved in providing proper health care services, is this a matter which should be justified solely on economic grounds? Or should it not be considered in the same light as say, Cayman Airways, which though not economically feasible, is nonetheless a much needed service? How about the supply of water to Cayman Brac? Is that economically feasible for the Water Authority? Madam Speaker, it is not economically feasible, but it is something that is essential for the benefit and health of the people of Cayman Brac and I totally support it. Had we taken a decision on the water in Cayman Brac, as an example, or Cayman Airways on solely economic grounds I daresay we would



not have given them the support that we did and we continue to give.

It is therefore against this background why I do not feel that the decision of providing improved health services for our people should be decided only on the basis of its economic and financial feasibility. When I started, I said that I would give both sides of the coin and try to be as objective in my debate as possible. We, as the representatives of the people, should also ask ourselves is not the health and welfare of our people as important as Cayman Airways or the sewage system or the water supply or any other service that may not be economically or financially feasible? Are not our people entitled to the very best health care possible in these Islands? Further, how many of our people can afford to travel to the United States of America for health care services? And hopefully much of the services that they are going to the United States now to receive will be provided through improved facilities in the Cayman Islands.

It is my professional opinion as a qualified accountant that the new hospital will not in the foreseeable future become economically or financially viable. It has never been in the past and will not, in my opinion, in the future become economically feasible in the short term. But, this assessment and conclusion is based on the figures which I have seen and examined. I therefore feel that like Cayman Airways, it will have to be subsidised by Government. We also subsidise other needed facilities such as water supply, as I said, to the Brac, our schools and other needed services. But then as stated earlier, perhaps less concentration should be placed on the economic and financial feasibility of this project and more focus on the need for such a facility.

Our hospital, as I said, in my opinion has never been and will never be a profitable operation and one has to ask oneself whether the health care of our people is something that we, the representatives of this country, wish to capitalise on? The financial and economic feasibility of this project, in my opinion should not be the major consideration but a consideration. When we hear the amount of rhetoric that we have heard in this House and we hear a lot being said by the CIMDS, one wonders whether there is not some amount of profit to be made and if the same people that are saying that the hospital will not be profitable are at the same time suggesting that they should be building a private hospital then I have to ask the question, where is the money coming from to make the private hospital profitable, if the Government hospital is not going to be profitable with the same input from the same people?

If the interests of the welfare of our people is most important, as it should be, may I therefore ask again who will pay the high fees to make a private hospital in Grand Cayman financially feasible? I have had my share of threats on this issue. I have been told that if I do not resign from Executive Council over this Bill, that a certain gentleman will declare his candidacy for George Town. As a matter of fact, I was told that by the gentleman himself. But my answer to that gentleman was, and still is, that there are already about 16 to 18 candidates running in George Town that have declared, or at least declared an interest in running, so I do not see where one more will make that much difference. That gentlemen sent a message to me and I called him back and I reminded him that from about three or four years ago I was the same person who encouraged him to run for George Town since he seemed to have so much to offer his people.

I am not one that is easily intimidated and that will not intimidate me in the least. Unlike what I heard mentioned here this morning, one Member mentioned he wondered what would happen to some politicians if they do not win a seat in this Election? But let me remind that Member, he knows who he is, that unlike many of my colleagues, I can find a job as a professional accountant but many of them depend solely on the salary they get from this House. I did not have to come to this House to get a salary. I was well employed before I came here.

**MR. W. McKEEVA BUSH:**

Shame on you.

**HON. LINFORD A. PIERSON:**

Madam Speaker, there will be much said. I sat here during the debate and listened to all of the pounding up, as they call it, that they had to give me and I said nothing because when a Member is speaking, through courtesy I keep quite. I expect the same from my colleagues.

Madam Speaker, many times I have been told that I am someone that the people can approach. I am approachable and that is correct. I am also one that will listen, I do not put my mouth in gear before I engage my brain, like some people do. But making myself available to my people does not mean that I will bend to every pressure that is brought on me. It has never meant that and my people know me well enough to know that I am strong in what I believe in. I am known to be a good listener and I will continue to do that. But as I said, that good trait should never, never be taken as a sign of weakness but rather as a genuine attempt to provide for my people the best possible representation that I can give to them. Before going on with the question of the economy I would like to just refer to some of the remarks that were made by some of the previous speakers.

The Third Elected Member for West Bay seems to have gotten extremely eloquent these days and I seem to always be the focus for his eloquence. He even suggested that if necessary the people should march. I would have thought that as an upstanding representative of the people this is the very last encouragement that that Member would want to give. I also heard suggestions made about the financial institutions of this Government not having the proper social conscience and not having the interest of the country at heart. We have to be careful when such remarks are made by the representative of our people in our Parliament against some of the leading financial institutions in this country.

I regard it as being irresponsible for our leaders to stand in this House to make such remarks and I could not help but be amazed at the previous speakers who constantly divided the \$18 million in two. Oh, it is all right to get a loan for Cayman Brac for \$1.5 million but not a penny for Grand Cayman. One can only read into such an attitude political expediency. I was doing a quick bit of arithmetic on the position taken by the Third Elected Member for West Bay, Second Elected Member for Bodden Town and others on this matter. On the basis of an average benefit to the people of the Cayman Islands \$1.5 million for Cayman Brac for

a total of 18 beds translates to 347 beds for a population 27,000 people in Grand Cayman. And I would invite them to check my arithmetic.

Similarly, if we consider that there are now six beds in Cayman Brac for a population of approximately, and I will put it on the high side, 1,400, the Backbenchers are prepared, and I mean the opposition Backbenchers, are prepared to triple that amount by 300 per cent because the number of beds up there will be 18. Without one objection, which shows quite clearly the political expediency and bias. There are 60 beds in Grand Cayman at present to be increased to 96 or 60 per cent which is one-fifth of the 300 per cent we are looking at for Cayman Brac. It is pure politics but I know that they will not deter the First Elected Member for Cayman Brac and I feel that they will not deter the Second Elected Member for Cayman Brac either because they know what is good for their people.

**MR. W. McKEEVA BUSH:**

Oh yes, the First Member knows what is good for them.

**HON. LINFORD A. PIERSON:**

Much more was said by my friend the Third Elected Member for West Bay but I noticed he could not even look in my face when he was saying it so he was talking with forked tongue, so I will not comment further on what he had to say. I could only think when I was listening to him, my friend from Bodden Town, the Second Elected Member, the only thing that went through my mind was the Bible verse, "Darkness covers the earth and gross darkness the people."

**MR. W. McKEEVA BUSH:**

And Linford still remains the same.

**HON. LINFORD A. PIERSON:**

Madam Speaker, when I heard some of the things I heard here over the past few days, I could not but feel sorry for some of the people being represented. "Darkness covers the earth and gross darkness the people." Madam Speaker, I think to really cover what was said by some of my colleagues on the Backbench the Third Elected Member for George Town had to take the cup. He knows better and I have always said that those people that know better will be beaten with many more stripes. He knows better and what he is saying in this House is for political expediency.

How can he stand in this House and say to the people of the Cayman Islands that the loan for Cayman Brac is good but that the loan for Grand Cayman should not be done? What kind of representative is he to not want to provide as good a facility in Grand Cayman as is provided in Cayman Brac? Now I want him to answer that. Is he saying that the people of his constituency in George Town do not deserve as good as other constituencies?

My friend the First Elected Member for Bodden Town was not here when I was speaking about the poll. I will not have much to say about him because most time I know he likes the sound of his voice and he does not mean a lot of what he says. But I would just like to say to him that I have given the details of the poll. It was not anything that I had to be embarrassed about and I wish he was here to have heard my position on collective responsibility because I have heard him saying that he does have aspirations to become a Member of Executive Council and that is important that he knows his constitutional responsibility. There was much he had to say also about the contract to Hurlston Construction. There is no secret that the Backbench opposition do not like Hurlston Construction. There is no secret to that.

**MR. W. McKEEVA BUSH:**

How do you know that?

**HON. LINFORD A. PIERSON:**

Because we have heard remarks made. But as I said here this morning - and I want to reiterate - no Member of Executive Council is involved with the granting of any contracts. Because this is such a topical issue I have taken the time to advise this Honourable House and to inform the listening public of the contracts that have been awarded to that company since so much has been said. Since 1985 the following contracts were awarded by the Central Tenders Committee to Hurlston Construction.

On the 27th of November, 1989, the Community College of the Cayman Islands. That was awarded by the Central Tenders Committee and on that Committee, as I said this morning, you have individuals like Mr. Heber Arch who is the Managing Director of one of the leading contracting firms on the Island. Can anybody in their right senses see that gentlemen sitting there and awarding a contract to another company if it was not won fairly and squarely? On the 7th of October, 1991, they also won the West Bay Infant School. In 1986, the Departmental Tenders Committee of the Public Works Department awarded a contract for approximately \$30,000 to Hurlston Construction for work on the MRCU hanger at the airport. All above board, no Member of Executive Council knew about that.

In August 1988, the Board of Directors of the Port Authority of the Cayman Islands awarded a contract for the sum of \$802,000 to Hurlston Construction. And now the Honourable Member for Health and Social Services has just recently announced that the Board of Directors of the Health Services Authority has awarded a contract in the sum of \$11 million to Hurlston Construction. The point I am wanting to make here is to erase from the public's mind any of the misinformation or misconception that is given that things are done in an underhand manner. Nothing could be further from the truth, but maybe at some future date those Members will explain the airport contract to the people of this country.

**MR. W. McKEEVA BUSH:**

It does not help us today.

**HON. LINFORD A. PIERSON:**

Having dealt with the general principles of this loan guarantee, let me say that the same facilities which I would wish to see available to the people of Grand Cayman, I feel should be extended to the Brac. This is why I can support the \$1.5 million to the Brac.

When I came into office in 1988, there were three important issues that I pledged for the Brac and thus far I have been able to go through with them. This is a fourth that is badly needed for that Island because I believe that if we put in the necessary infrastructure facilities in the Brac that they will one day become self-sufficient. The first thing I put there, even though it was not economically and financially feasible was water. The next thing that I was able to get for the people there in cooperation with Texaco, was an oil terminal supply depot which should be open in early August. The next thing was the clearing of their main channel on the southwest end of Cayman Brac which we are doing now and I challenge any Member before that represented that Island to have done now in four years than I did for Cayman Brac. So I am happy that I am able to support the \$1.5 million for their hospital.

On the question of the economy, I am as concerned about the slow-down in our economy as any other Member of this Honourable House but for the right reasons. It bothers me to read in the papers and hear objections to the hospital voiced for selfish or political reasons. So many times I have heard the opponents to the hospital give as their only objection that if the new hospital goes ahead at this time that the Unity Team Government will have to pay for it. Madam Speaker, where have they received a mandate to say that they will be the next Government?

**MR. W. McKEEVA BUSH:**

Get off the soap-box!

**HON. LINFORD A. PIERSON:**

Madam Speaker, they are assuming a lot. The people have to decide that. I regard such an attitude as self-serving and politically motivated. Where is the interest for the people?

**MR. W. McKEEVA BUSH:**

Ah, hush now, Linford. Sit down. You are wasting time.

**HON. LINFORD A. PIERSON:**

Madam Speaker, I could have understood reasons such as I gave concerning the economic and financial feasibility but not some selfish political reason. As stated, the basis of my debate has been to attempt to present my views on the merits and the demerits, the pros and cons. And as I said earlier, to show both sides of the coin.

I believe that one of the most amazing revelations that have come forward thus, far in connection with this new hospital project was made by the former Financial Secretary. Apart from that gentleman at the time still being a civil servant when the statements were made, how could he have the temerity to criticise the financial operations of a Government of which he was the principle advisor for 10 years.

**MR. W. McKEEVA BUSH:**

On a Point of Order, Madam Speaker. I think that you should get this debate and let him stop criticising people on the outside who cannot defend themselves, especially top ranking service people who were the top ranking civil servants and who he fraternised with and was his colleague for all these many years.

**MADAM SPEAKER:**

I am afraid that is not a Point of Order. The Member is making a reply to some things that were said and the only thing I would ask is that he would not dwell at length on any issue which is being put forward.

**HON. LINFORD A. PIERSON:**

Thank you, Madam Speaker. I would have thought that for eight years the First Elected Member for West Bay has sat in this House, and he still does not know his Standing Orders.

**MR. W. McKEEVA BUSH:**

I know good enough to trip you up now and then.

**HON. LINFORD A. PIERSON:**

Madam Speaker, in closing on that particular point I can only say and reiterate the words of a colleague, that if the economic ship of the Cayman Islands went on the rock, it went there during that gentleman's watch. And I will say no more.

**MR. W. McKEEVA BUSH:**

It was when you did all the things that you should not have done.

**HON. LINFORD A. PIERSON:**

Madam Speaker, I am not concerned too much about the contracted sum tendered to build a new hospital as it is a fixed contract. Which means that if the contractors are unable to build a hospital for that amount they will have to make up the difference out of their pockets. There are no contingencies built in for over-runs.

**MR. W. McKEEVA BUSH:**

Wait and see.

**HON. LINFORD A. PIERSON:**

Unlike some of the prophets of doom about the site chosen, it is my understanding that our present air-strip was built on one of the deepest swamps in George Town, in Cayman. It was called, I think, Hazards Pond.

Anybody who can recall the site on which the Hyatt Hotel and other buildings in George Town were built will recall that that was built in a very swampy area. Anybody who has visited Florida, the Miami area, well know that most of the beautiful buildings you see there were formally a swampy area. Most of that property. So I am not concerned about that side of it. I leave that to the experts, the engineer and I understand that one of the very best has been employed to advise on that in the person of Mr. Lloyd Hue.

As regards the configuration of the hospital, it is my

understanding that the Health Authority has utilised one of the best consultancy firms in the persons of Ellerby Beckett to design oversee the project. My position has always been and I do not feel that that will change, my position has been that the hospital is not going to be economically and financially feasible. And I do not think anybody should expect it to be.

On the question of the economy, the people have been told that this project is going to bankrupt the country yet we have not heard one figure, no statistics mentioned to support those wild allegations. It was just political rhetoric. The net public debt obligations as at the 31st of March, 1992, for this country was \$105,690,759.00, which was made up of three major elements. The first one being the public debts - loans that are a direct obligation of the Central Government which totals \$13,843,433.00.

The second element of that is under the sub-head - Self-financing Loans and these are loans appearing in the records of Government as direct obligations but obtained on behalf of various Statutory Authorities and the total of that is \$23,346,699.00.

The third segment is the contingent liabilities which this guarantee will fall under. Guarantees issued to secure loans raised by public and private sector organisations. In addition this figure also includes Cayman Airways shareholders deficiency and Government's Pension liability to civil servants and that total figure is \$73,041,061.00. When you net the accumulated Pension fund cash balance being held at CIBC in the amount of \$4,541,172.00, we arrive at a net public obligations of \$105,690,759.00

The most important part of this whole equation is the amount of debts servicing cost. How much is the debt servicing cost to this country? There is a ceiling of 10 per cent of total revenue beyond which this Government will not go. But we are not near to that. The total percentage for servicing public debt, the cost of servicing public debt, is 4.4 per cent of your total revenue. And we have a ceiling of 10 per cent and these people, the political opponents will stand up there and tell the people that this Government is not exercising fiscal prudence. They are talking out of the top of their heads. They do not know what they are talking about because if they could support what they are saying with figures, then I would listen to them.

**MR. W. McKEEVA BUSH:**  
about Cayman Airways.

Remember what you did with Cayman Airways? You forgot

**HON. LINFORD A. PIERSON:**  
\$18 million we will still be way below the 10 per cent ceiling.

Madam Speaker, even with the debt servicing cost of a loan for

**MR. W. McKEEVA BUSH:**

And \$20 million for Cayman Airways.

**HON. LINFORD A. PIERSON:**  
it.

And even with \$20 million for Cayman Airways, we will be below

**MR. W. McKEEVA BUSH:**

Oh yes? Where are you going to get \$20 million from?

**HON. LINFORD A. PIERSON:**

Had I been the Member responsible for this Bill, I would have stated simply that like Cayman Airways, water in the Brac, sewage on West Bay Road, the schools, etcetera, the hospital is a needed facility and whether or not it is financially feasible, it is needed for the people. I was up there up until last night and they could not find enough beds for the people. Some of the patients had to be put into the Maternity wing because they could not find enough beds on the General Ward. Anybody doubting me go to the hospital and check the records.

As I have said, as a professional individual, as a professional accountant, I cannot and will not say that I have satisfied myself as to the financial and economic feasibility of this new project. However, in presenting both sides of the coin, as I have attempted to do, and in accordance with collective responsibility, I support the Bill. Thank you, Madam Speaker.

**MR. W. McKEEVA BUSH:**  
soap-box. It is not financially viable.

Thank God he is finished. Thank God you are finished on that

**MADAM SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. I rise to debate Government Motion No. 3/92, Cayman Islands Health Services Authority Loan Guarantee. I have listened to various Members of this Legislative Assembly speak on this particular motion and the debate has ranged wide and far. I shall attempt to confine myself as specifically as I can to the question of the Government's guarantee of this loan, as I see it, and give my opinions as to its feasibility and so on.

The idea of a new hospital has been long in the works. The first time I heard about it was back in 1988, if I remember correctly when the International Health Care Cooperation did a study for the Cayman Islands which came up with the recommendation that Grand Cayman should have a 96 bed hospital and Cayman Brac should have an 18 bed hospital. My disagreement with the findings of that report is well known and the records of the House show that I disagreed with the findings. It was my opinion that a lot of the data was really not supported or should I say, a lot of the recommendations were not supported by hard data, as I thought should be necessary in such a case. However, Government pursued a course of following most of, if not all of the recommendations contained in that report.

The idea that the Cayman Islands, that is Grand Cayman,

Cayman Brac and Little Cayman, could use new hospitals goes without question. I believe that indeed, it would be good to have new facilities. However, I do not see that position as ending there. I think it is necessary to prove a need and it is also very necessary to look at the cost and cost in this case to me is one of the most important elements. Also, there is the fact that the world on a whole at this time, is in a recession and certainly cash flow in the Government of the Cayman Islands has not been as good as it has been in the past quite naturally, as we are not that unique that problems of cash flow in the world does not reach us.

The hospital, that this motion seeks to have a guarantee for, along with what is proposed for Cayman Brac comes to a total of \$18 million. I have listened to the last speaker as he presented the figures on the various debts and liabilities of Government and as he presents them it does not present all of that frightening a picture. The fact is though that this whole business of finances is a great variable and not a constant. For if it was a constant, then indeed, we would not be now having a recession world wide. We would continue with great liquidity of cash and the boom would continue. But that is not the case, therefore, one has to look prudently before undertaking so large a project.

I have from the beginning felt that this is too large a project at one time. I have said to the Honourable Member responsible for hospital and health that I believe it is possible to renovate the present facility to the extent that it can carry us forward for some years yet. In the mean time the country would have the opportunity of stabilising in terms of being on a better financial footing and of course one would be in a position to predict better what will be the revenue trends. I think the country knows that in 1990, \$1.5 million was voted for the purpose of renovating the George Town Hospital. That money was never used for that purpose, at least only a small part of it, and the rest was diverted by a change made and approved in this Legislature for works connected with the hospital which is proposed to be built behind South Sound.

I also have objections to the hospital site. I am aware that Government has various land in these Islands. There is various Crown land at various locations in all three of the Cayman Islands. I do not believe for one minute that since there seems to be the desire by the Member responsible for Health to relocate the hospital, that it has to be relocated to the site which has been proposed. The site the country has heard time and again, is given to settlement of water. It is in the general vicinity of what we term Black Mangrove Swamp. I believe it is not wise financial management to add to the cost of such a facility by having to prepare the ground on which to place it.

Personally, I believe that the present site is the proper site if there must be a new hospital. I do not give much credence to what has been said in the report I referred to earlier, that the present hospital is in the path of the approaching aircraft to Grand Cayman. Certainly the chances of an aircraft falling from the sky, and falling on the hospital is no greater or no less than it falling from the sky and falling on any building, dwelling house, whatever, in its path when it is flying over the Island. The question of it being too noisy, again falls by the wayside when one thinks that in this modern age there is something called sound-proofing. So I do not buy the story that it cannot be built on the present site. Neither do I agree with arguments I have heard put forward by the Government here that one could not carry on new construction on the same site while those same facilities exist and the same service is being offered. It can be done. From the time that the world begun using steel and concrete blocks and steel was able to build structures at odd angles which defy the pull of gravity, it has become easy for new buildings to be built where old ones are existing.

I say today, that I am convinced using a steel structure to the extent that is necessary, one could actually build over the roofs of the present buildings and when the structure above was completed, those underneath could be pushed down and the ground would be the same ground existing with which anything could be done, as was chosen to be done. I think also that the hospital where it presently exists, lends itself completely to the location that the public has always known. It is central and it is not going into a far removed section of George Town where it will make it harder for persons to reach there and it will be further out of the dense township.

Another point that I think bears need for comment is the fact that it is said in so many different words that in effect, there are going to be two hospitals in George Town. Originally it was called a split-site hospital. Since that time I have heard the Member state that the present site will become a large and efficient district clinic, if you will, offering certain ambulatory service. The point that I make on that is, that very similar functions are going to go on in two separate and detached locations, so you are immediately going to create a situation for a necessity for more staff, therefore, you are immediately increasing cost.

In this type of service, one needs certain equipment to take a severely ill patient to the present site, where they needed immediately use certain equipment to save a life, to say this piece of equipment is not here and to take them over to another site, so there is also the added cost of equipment. Certain equipment is highly specialised, therefore, it may not be that piece of equipment that a nurse or doctor can manage performing an operation or doing whatever to fix the situation, it might be the type of equipment that there has to be a specialist person there to use that equipment and to get the results and to read them, so we are talking about additional costs.

Certainly, I would think that a sound practical view would be, rather than go into a two site situation and into such a large expenditure outlay at this time, it would make sense to build on land which comprises the present site in phases. It has always been my understanding that there are certain sections or specialization within the hospital services where physical space was needed. I know at one stage, that space was needed in surgery and if I remember correctly the other was pediatrics. I believe again in the modern context, it is possible to design a building on a particular parcel of land in phases and we could practically with sound financial management, build a hospital of choice in phases. This year budget a certain amount of money to complete a particular section, the next year the same and the same overall effect could be achieved, and by so doing it is even conceivable that such money could be identified within recurrent capital expenditure.

The idea of moving the hospital again, one must realize that it is being moved away from goods and services in George Town. Shopping by relatives of patients in the hospitals becomes more difficult and that this road will not be in the regular road structure but will be specifically off from the main road. There are various arguments against placing the hospital there.

Madam Speaker, the indebtedness of the country at this time beholds us as concerned legislators take a very careful look at entering into this particular venture. It is my understanding that for the Government to actually make money from this hospital, it will be necessary to have patients actually in the hospital because for that service they are the larger charges. It also follows that specialised operations will also attract the larger charges. So it seems that there is an assumption that there will be larger and larger amounts of people who will be using the hospital as inpatients.

From the figures that I have seen, this does not appear to be true. Certainly, this is a point that the Medical and Dental Association argues that the figures are not increasing as projected to be. Statistics generally would suggest that it is not. I believe the efforts of the Honourable Member for Health, in bringing an awareness to the public about concerns for their health, really makes the Caymanian people become more conscience of their health and if this persists, then there should logically be less and less people going into that facility except due to ailments; by not living healthy lives. I do not see the logic of the argument being put forward or the projections that there is going to be increasing use made of the hospital as inpatient care goes. It is my belief that there will be more out patient use of the hospital, and of course, that does not attract the larger charges in the hospital. However, if we commit the large sums of money that have been sought here, whether or not we collect the large fees for inpatient health care or outpatient, we are going to have to pay the same bills to the lending institutions and they will be paid. There is little doubt about that. They must be paid. That is the point that gives me great and grave concern. I think that is the point that most people seriously worry about.

There are three banks which we are told will lend the money to Government. That is Canadian Imperial Bank of Commerce, Barclays Bank and Bank of Nova Scotia. I do not necessarily believe that one of those was not in a position to really make a single loan of that amount because if the money was not available right here in the Cayman Islands. I believe the fact that the Government wants it, they could have received it from their parent companies overseas. I believe that these three banks did so because they wanted to spread the risk. One did not want to take on that challenge because they see in it certain pitfalls. They know that there are no guarantees on revenue earned. There can be controls on expenditure but there are no guarantees on revenue and I think that is the reason that it has been spread the way it has. That too, I think should tell us something.

There is another side to that as well, Madam Speaker and I am not accusing the Government of thinking globally or internationally, but there is no bank on this island, even though some claim to be, that is wholly run and owned by Caymanians, without some sort of international interest in it. The more this country finds itself to financial institutions, the more other countries of the world have something to say about what happens and how it happens here in the Cayman Islands.

**MADAM SPEAKER:** Honourable Member, would you take a suspension at this time?

**MR. GILBERT A. McLEAN:** Yes, Madam Speaker.

**MADAM SPEAKER:** The House will be suspended for 15 minutes.

**AT 3:34 PM THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 3:55 P.M**

**MADAM SPEAKER:** Please be seated. The Second Member for Cayman Brac and Little Cayman continuing the debate.

**MR. GILBERT A. McLEAN:** Madam Speaker, when we took the adjournment, I was commenting on the point that the more loans that the Government takes, the greater it creates an international influence on the country as to what the country might do and might not do because the financial institutions have to be paid and of course they carefully watch their vested interest.

On the question of cost, Madam Speaker, we cannot look at this particular proposed loan in isolation. We seem to be building an image now a days, that is consistent with other countries in this region who have run into very unfortunate financial straights. If I remember correctly, the capital expenditure for 1991 had to be provided by loans. There have been various large capital works done on behalf of certain statutory bodies which have been done through loans that Government have underwritten and on and on it goes, to the extent that I believe that each time it happens, the Government views it as just that little bit easier, where as on the other hand, this practice should be creating uneasiness to the financially prudent.

If we take as a good example, Cayman Airways, the debt of this country has been seriously increased because of the fact that the Government has underwritten various loans to that company. The Government has had to undertake to pay off an indebtedness which was incurred when contractual agreements had to be broken due obviously to the stupidity of management and to its legal advisors. Each instance and each thing that is occurring is adding to that overall picture of that \$105,000,000.00 that the Honourable Member for Communications referred to, overall liabilities on this country.

I cannot help but think each time, that we are looking at a population of 26,000 people and of that 10,000 are non-Caymanian and if the conditions economically change

drastically and the downslide continues, it could well be the case that and I feel sure it will be, those 10,000 people will have no longer cause to be here and will move on to their own countries or to greener pastures and we will not have the benefit of the money they are putting into the economy which has a spin-off effect and so on of showing some revenues to Government. When one takes into account these various factors, it is not a smart thing, it is not a wise thing to constantly be going into loan positions. Someone has to pay and inevitably it is the people. Governments have but one means of raising revenue and that is through taxes in whatever form it is applied and by whatever name it is called.

It has been of interest to me in observing the process of tendering where this hospital is concerned and I note that the contract was awarded to Hurlston Construction. What was very striking to me was the fact that between itself and some of the other companies, companies of substance, companies who had, I would believe, similar personnel able to do quantity analysis and costing and all the rest of it, is almost a span of \$4 million between the lowest and the highest. What I conclude from that is that the one which is awarded the contract and we understand that it is a contract where there are no escalation clauses in it. That indeed must be one of the most efficient companies in this country, if not the most efficient, and this whole process of construction companies in their costing, it would seem like it all amounts to financial scalping. If we take the example of this tendering exercise, I believe it behoves the Government to look extremely carefully at contracts and tendering from now and certainly in the future. I will wait to see whether indeed the company which has been awarded the contract, can indeed produce the work as has been said in the terms and conditions, as we have been told that have been set down.

In the total of \$18 million although the amount has not been specified in the motion, it does state that part of it is for the hospital in Cayman Brac. That is the Faith Hospital. It is my understanding that it is \$2 million which has been ear-marked for work to be done there. Madam Speaker, I was not around when the Faith Hospital was built, however, I have been made to understand by many people of Cayman Brac, that that is a result of great sacrifice of the people of that Island and actually working and striving to produce a structure, start a structure to get it to where it is today.

The Faith Hospital is a six bed hospital and I am very grateful to know that there are many days of the week when there are no patients in those beds. There are out patients, certainly, but there are not patients in those beds. Based on that factor, I fail to see how it makes sense to build an 18 bed hospital which is three times the amount! It does not follow logically at least not to me! It does not make a lot of sense! On the whole, as I mentioned earlier, I think the findings of the report that recommended these two hospitals were flawed and it is very possible, it is not unheard of, it is not impossible, particularly with ourselves in these Islands and various Governments, we have come up with some real sweethearts that have given us certain recommendations that had we followed, I am sure these Islands would not have been around to this time.

In pointing out how things can happen, and as it all relates to the hospital and the Health Authority, I would refer for example to the *Caymanian Compass* on Friday the 26th of June, page 12, where the Honourable Member gave a table of staff in the Faith Hospital in a reply to a question put to him where and I suppose it has been given to him by his Executive Offices or his Management, it says that there are two mid-wives in the hospital in Cayman Brac, both Jamaicans. I happen to know who is obviously not mentioned, there is one more member of staff there, Mrs. Yvette Dilbert, who is a mid-wife and she is certainly not a Jamaican.

I raised that point to make a point that many recommendations are flawed, many findings are flawed and the fact that there was not another person or another authority who examined the report that was developed on the Health Care Services and Health Care facilities for the Cayman Islands, there stands every chance for those findings to be flawed. I say that if the hospital has six beds and those beds are often times not occupied, how then does it make sense to create 18 beds?

On Saturday night there were only 14 children who graduated from the High School. Next year there is not going to be a graduation, I am told by the Education Authorities there, because of accommodating the next system that is coming in place. The population keeps dwindling, families keep coming to Cayman and bringing their children. Children are not being produced to the same extent, so if there is that constant of a diminishing population, why is it necessary to complete a bigger hospital? The Government has assisted with the Rest Home for the older people of the district, that is going to be an additional cost one way or the other to Government. Already Government has committed to it. I certainly see a need for it, but we are talking cost. Increasing costs!

Madam Speaker, if we spend \$2 million on the hospital in Cayman Brac, and have a beautiful facility, if there are not patients to use the beds, then how will we be able to pay the cost for the hospital? Certainly, Government is committed to it the same way and certainly those costs have to be met. I believe that the Faith Hospital can be renovated, I think that offices can be placed in it that serve specifically the purpose for which they would be designed. Nurses stations could be put in and I think that with the addition of two or three rooms as the case may be, and for much less than \$2 million, the Faith Hospital can be improved.

Particularly, I would like to see some place some rooms added to the Faith Hospital where the mental patients can be treated. There are unfortunately, many cases, perhaps a dozen or more where at certain times these persons simply get out of hand and they could be contained, treated and once again released to go about their daily lives which fortunately most of them can. These are the needs that I believe need to be addressed there but if we build an 18 room facility there is going to be more staff there again. Someone might say that that is good, it is creating employment but you have to pay those people, it is that ever increasing condition of cost.

Madam Speaker, the situation is not as simple, in my opinion, as has been presented here to this House, where the Government, through the Honourable Member for Health has expressed the desire to have a loan for \$18 million to build two hospitals in these Islands. Cayman Brac seems to

be at this point and time, drawing considerable attention from all quarters in this House and to say I do not know why, would be not to tell the truth. I know it is for political reasons. I find myself right in the middle of it, for unfortunately I am going to be severely criticised by some quarters when I do not support this loan request, that I am not supporting things that are good for Cayman Brac. On the other hand, there will be a situation politically in this House, where others will say that they care about Cayman Brac, that is why they brought it forward to the House and that is why they voted for it. However, I have to live with my conscience and what I discern in my mind, to the best of my ability, to be in the best interest of country and political district.

Since I know when the vote is taken, there is going to be a holiday for all sorts of "do-do's" in this society to run around saying what I did and I did not do and my colleague First Elected Member for Cayman Brac did and did not do, and it has started already in the debate and I would specifically like to refer to certain statements made by the Third Elected Member for George Town. First of all, before I do that, and speak to those few points to which I wish to raise, I am of the complete opinion that I was elected equally to every single Member of this House that was elected in 1988. I am the equal of every gentleman here. I do not consider any better than I and I do not consider any less.

That being the case, I was not sent here by the people of Cayman Brac and Little Cayman who voted for me to be an equal, to be chastised by any goodly gentleman in this House, as to how I should vote or not vote. If I fail to vote in the way that I should, to represent the people of Cayman Brac as I should, they and only they can chastise me and they can do that at the polls as all of us who are elected must face very soon. It is highly unnecessary for the Third Elected Member for George Town to stand in this Chamber and talk about the people of Cayman Brac and Little Cayman instructing their representatives and I am quoting there, "to get what they need for the Brac \$1.5 million but do not burden the people of Cayman Brac and Little Cayman with the expense of a \$16.5 million of a hospital for Grand Cayman."

I have been in this House now almost four years and it is no secret that the First Elected Member and myself have had differences of opinion and I dare say, we will continue to have differences of opinion for even when this vote is taken, I think it will show a difference of opinion. My differences of opinion however with this gentleman has been based on his position on certain national issues and his opinion as to the ideology that the Government of the day chooses to subscribe to. I have never had any differences of opinion with him on any matters that relate to getting the best that we have both been able to get for Cayman Brac. I think that can be proven by anyone in this country who will take up the estimates of revenue and expenditure from 1988 to 1992. They will find that there has been more money voted for Cayman Brac and Little Cayman in that period of time than any period prior to that including times when there has been a Member for Cayman Brac elected on the Executive Council.

That being the case, throughout the past four years there has hardly been a situation of unemployment in Little Cayman as far as Government works go and Government offering employment, the Government has always responded to it, unlike times prior, when I am aware Members responsible have ordered certain works to be shut down. So, I have no problem in my dealings with the First Elected Member of Cayman Brac when it comes to representing Cayman Brac. I do not need any Member in this House to attempt to play my father and to tell me what I am supposed to do here or to instruct the people who elected me what to tell me.

Madam Speaker, the Third Elected Member for George Town also said that, and I quote, "the most single important reason why when the people speak they should be honest enough to follow the wishes of the majority of the people." I listen to what the people of Cayman Brac say to me and I shamelessly say that I have held more public meetings and convened more public forums of whatever kind, than any politician in the Cayman Islands, living or dead. So I listen to what the people say to me, and I follow it to the best of my ability as far as it goes of implementing it through the job of being a representative.

In listening to the people of these Islands as a citizen elected, I have been into every district of the Cayman Islands and held meetings there. I have held dozens in Bodden Town and dozens in Cayman Brac. Now, that being the case, I must note, while I am getting this advice from the Member, in the four years that he has been in this House, perhaps he has held one and one half meetings in the District of George Town.

Madam Speaker, this matter of representing the people of this country has to be done on the basis that it is the action we are trying to achieve or the action we are trying to take, not the "bamboozling" of another Member from across the isle as the case may be, at least that is my opinion. So, as I have said, I am motivated to do what I believe needs to be done and to do it in a way that is acceptable generally to everyone in this House, including the persons who insist on being called Backbenchers because I myself, find myself in a unique position, as being the only Member of the opposition here and I also must attempt to work with the First Elected Member for Cayman Brac. If he has sinned, and if he is following a path that is unacceptable, I believe that the people of Cayman Brac will judge that as they see fit, I am going to attempt to refrain. One other point before I move from that, Madam Speaker, I am amazed that when the Chair divides a vote nowadays and it comes out 8-7, that one person is targeted as having made that happen. I question that in the light of the fact that up until the end of 1989, when the Presiding Officer divided the votes, it used to split 10-5! Who was the individual then who was held responsible for making that happen?

I see the functioning of this Legislative Assembly as being a system and that system functions where the majority carries. If the majority carries, including this case with the hospital and it is passed 8-7, I have to accept that the majority has passed it, even though I do not agree with it. That is the democracy that the Member has referred to as being the wishes of the majority. That is democracy, even if they are totally wrong, if they are the majority, that is democracy.

Madam Speaker, the last point that I wish to make in my submission is that the Honourable Member for Health is, I believe, moving too fast also in entering into this



undertaking because the National Health Insurance is not working and functioning to the level that is necessary. It is my understanding that the whole idea that the hospital can be paid for or it can pay for itself is based on the assumption that every human being in the Cayman Islands will be insured, their health will be insured and when they go to these facilities they will be able to hand in a card which will cover them for all services which will be available in the new hospital and in the Faith Hospital. That is not in place and we are going on into a heavy financial commitment.

Last year, I had occasion to put this view forward to the Member for Health, and I do so again as I believe until that is working, it cannot succeed. I do not believe on a whole that the hospital will be financially feasible because I do not believe there will be the demand on its services as is being selected and certainly it cannot work if there is not insurance there to pay for it. I think that is a priority. I commend the Member for having brought that to this country. I think it is the most profound thing that has ever happened to this country! I firmly believe we should put all effort into having that working and functioning before he gets into a situation of building two new hospitals.

Madam Speaker, I cannot support this motion because as I said, there is not the insurance to pay for it. I think to enter into it now is untimely and financially unwise. I believe that the present two facilities can be upgraded to serve for some years yet and certainly, I do not believe that the location of the hospital proposed for Grand Cayman is being built in the right place. Thank you, Madam Speaker.

**MADAM SPEAKER:**

It is now 4:30

### **ADJOURNMENT**

**HON. J. LEMUEL HURLSTON:**  
adjourn until 10:00 1st of July.

Madam Speaker, I beg to move that this Honourable House do

**QUESTION PUT: AGREED.**

**AT 4:30 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00  
A.M., WEDNESDAY, 1ST JULY, 1992**

**WEDNESDAY,  
1ST JULY, 1992  
10:04 A.M.**

**MADAM SPEAKER:** Prayers by the Honourable Third Official Member.

**PRAYERS**

**HON. GEORGE A. McCARTHY, JP.**

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 in the Legislative Assembly are resumed. Presentation of Papers and Reports, the Agricultural and Industrial Development Board Report for the Year Ended 31st December, 1991. The Honourable Third Official Member.

**PRESENTATION OF PAPERS AND REPORTS**

**THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD  
REPORT FOR THE YEAR ENDED 31ST DECEMBER, 1991**

**HON. GEORGE A. McCARTHY, JP.**

Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Agricultural and Industrial Development Board for the Year Ended 31st December, 1991.

**MADAM SPEAKER:**

So Ordered.

**HON. GEORGE A. McCARTHY, JP.**

Thank you, Madam Speaker.

**MADAM SPEAKER:**

Special (Fourth Interim) Report of the Select Committee of the Whole House to Review the Cayman Islands Immigration Legislation. The Honourable First Official Member.

**SPECIAL (FOURTH INTERIM) REPORT OF THE SELECT COMMITTEE OF THE WHOLE HOUSE  
TO REVIEW THE CAYMAN ISLANDS IMMIGRATION LEGISLATION**

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, I beg to lay on the Table of this Honourable House a Special (Fourth Interim) report of the Select Committee of the Whole House to Review the Cayman Islands Immigration Legislation.

**MADAM SPEAKER:**

So Ordered.

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, the Select Committee of the Whole House to Review Immigration Legislation was established on the 22nd of February, 1989, by the passage of Government Motion No. 2/89, as amended.

**SPECIAL REPORT OF THE SELECT COMMITTEE**

Standing Order 72(3) provides that a Select Committee may make a Special Report relating to its powers, functions and proceedings on any matter that it thinks fit to bring to the notice of the House. The Select Committee accordingly, in submitting this Special (Fourth Interim Report) to the House, wishes to report upon its recommendations to amend the Caymanian Protection Law, 1984. Minutes of

meetings will form part of the Select Committee's final Report.

**Interim Reports.** Standing Order 72(1) provides that every Select Committee shall, before the end of the Session in which it was appointed make a Report to the House upon matters referred to it. The Committee accordingly wishes to report that since its establishment Interim Reports have previously been tabled in this House on the 27th of November, 1989, 22nd of November, 1990, and the 28th of November, 1991.

**COMMITTEE'S DRAFTING INSTRUCTIONS TO AMEND THE LEGISLATION UNDER REVIEW** During the 1990 and 1991 Sessions of the Legislature, the Committee commenced preliminary drafting instructions to amend the legislation under review. The Committee's Report, in respect of the Trade and Business Licencing Law, (Revised) and the Local Companies Control Law (Revised), will be Tabled in this Honourable House before dissolution of the Legislature this year.

**WRITTEN AND ORAL REPRESENTATIONS** As previously reported, the Committee, during the 1989 Session of the Legislature, invited members of the public to present orally, or in writing, their views on all three pieces of legislation under review. The Committee received and considered 22 written representations from individual members of the public and organisations within the Islands and heard 26 persons, including the past and present Chairman of the Caymanian Protection Board, Messrs. David Ritch and Naul Bodden, the Chief and the Deputy Chief Immigration Officers, and the Collector of Customs. The Committee also met Mr. Alan Carter, Overseas Immigration Advisor, who was assigned by Government in 1989 to review the administration aspects of immigration within the Islands.

**FIRST AND SECOND DRAFT DISCUSSION IMMIGRATION BILL** A first (Committee) draft discussion Immigration Bill, relating to amendments to the Caymanian Protection Law, 1984, came before the Committee for review during the past quarter, the last quarter of the 1990 Session of the Legislature. A second draft discussion bill was presented to the Committee for further consideration in November 1991 and in May of this year the Committee agreed, by majority consensus, to a final draft Bill. In accordance with the Committee's wish, this Bill was published in white paper and made available to members of the public at the Legislative Department on the 19th of May following a media release that day. Members of the public were given up to 12th of June, 1992, to make representations to the Chairman of the Committees for its consideration. The Committee wishes to note that no representations were submitted to the Chairman before the 12th of June. The Committee wishes to express its appreciation to Mr. David Barwick and the Honourable W. Richard Ground, in their undertaking of drafting these Bills in accordance with the Committee's instructions.

In accordance with the committee's wishes, it is recommended that the existing Caymanian Protection Law, 1984, be replaced by a new Law and that the new Law be introduced to this Honourable House during the Second Meeting of the 1992 Session of the Legislature. In summary, the Committee's amending recommendations are:

**\*New Law And Title**

That the Caymanian Protection Law, 1984, be replaced by a new Law entitled The Immigration Law.

**New Immigration Board**

That the new Law establish an Immigration Board, previously referred to as the Caymanian Protection Board, and that it be reduced in number by three members to consist of a Chairman, a Deputy Chairman and six other members being one from each District.

**Board's reasons for rejection of Caymanian status, permanent residence or work permit**

That the Immigration Board be required to give brief reasons when it rejects applications for the grant of Caymanian status, permanent residence or a work permit.

**Eligible person for Caymanian status**

That the concept of being an "eligible person" be abandoned, and that the Immigration Board have statutory power to grant Caymanian status to any nationality.

**Status of children of person with status**

That the acquisition of Caymanian status by birth be dependent upon only one parent being domicile in the Islands at the time of birth, instead of the existing provision that both parents be domiciled. That, in accordance with abandoning the concept of "eligible person", there be no distinction between births on or off the Islands.

**Illegitimate children**

That the new Law provides that, where a person claims to be the father of an illegitimate child and is able to prove to the satisfaction of the Board that he is in fact the father, and also undertakes responsibility for maintenance of the child, the Board may declare that for the purposes of acquisition of Caymanian status he is to be regarded as the father of the child.

**Qualifying period for persons of Caymanian descent**

That the qualifying period for applying for status be a period of 10 years residency in the Islands instead of seven years as provided under the existing Law.

**Qualifying period for persons of Caymanian descent**

That the new Law allow a person, who at the time of his/her birth is or was a legitimate child of a person of Caymanian status by birth or decent, to apply for the grant of status without any residency period.

**Loss of Caymanian Status**

That a person having acquired Caymanian status by grant shall be subject to loss of same if he/she ordinarily resides outside the Islands for a period five years. Under the existing Law this period is three years.

**Loss of Caymanian status acquired by marriage**

That the new Law make a provision for the loss of Caymanian Status acquired by marriage - that is that such status shall be loss if, within 10 years of the acquisition of such status, the person is living apart from his spouse in circumstances where, in the opinion of the Board, the marriage has irretrievably broken down;

Further that a new proviso be added to provide for the loss of status on separation or divorce; permitting a person who has loss status by reason of these automatic provisions, but who held it for five or more years, to apply within three months to the Board for an order that this status be continued.

Further that the new Law make it the duty of a person, who has loss status, which was acquired by marriage, to notify the Board of the relevant circumstances - and that wilful failure to do so be an offence.

**Loss of Caymanian status upon conviction of an offence**

That the new Law modify the provisions for loss of status upon conviction of an offence, enabling the Board to revoke status on its own motion rather than requiring a recommendation from the Court. Further, that offences to which this might apply be now more clearly defined.

**Permanent residence and loss provisions**

That a definition of permanent residence be made thus enabling the provisions relating to permanent residence to come under one section;

That the provision for loss of permanent residence be made discretionary by the substitution of the word "may" for the word "shall" in the description of the Board's powers. That a new ground for loss be included that repeated convictions for minor offences which amount to a total of more than 12 months, may warrant withdrawal of the right of permanent residents. Further, that the new Law make it clear that a permanent resident may not work unless he has a work permit, is expressly permitted to do so under the provisions relating to employment of permanent residents, or is otherwise exempted,

**Gainful Occupation Licence**

That the new Law abandon the expression "Gainful Occupation Licence" and adopt the expression "Work Permit"; and that a person permitted to work under such a Permit be referred to as "the worker".

**Protection of local interests**

That the new Law make it clear that the protection of local interests particularly includes the interests of Caymanians.

**Grant of work permits and training programmes**

That the new Law introduce two new matters to which the Board shall be obliged to have regard when considering the grant of a work permit - that is to have regard to the availability of suitable accommodation for the worker and his dependents; and, in the case of an application in respect of a professional, managerial or skilled occupation, the Board shall take account of whether an adequate training programme, to ensure that a Caymanian is being trained to fill the position has been established.

**Temporary work permits**

That the new Law enable the Chief Immigration Officer to issue temporary work permits for an initial period of up to 90 days. Further, that the Chief Immigration Officer be given the power to extend such permits for a further period not exceeding 90 days, provided that the reasons for the extension were not foreseeable at the time of the original grant. Further, that he be obliged to inform the Board of any such extension, and is given power to revoke, modify or vary temporary permits.

**Fees**

That a new provision be made to permit the Governor in Council to exempt, by regulation, fees for classes of persons. Further, that employers be statutorily be obligated to pay employee's work permit fees and repatriation deposits which may not be claimed from the employee or deducted from his pay. Further, that a breach of these provisions be a criminal offence.

**Immigration control for children born in the Islands**

That the new Law make provision for bringing children born in the Islands, but who do not obtain Caymanian status at birth, under proper Immigration control. Further, that it be a statutory obligation to report such a birth to the Chief Immigration Officer.

**Marriages of Convenience**

That it be a criminal offence to enter into a marriage of convenience, which for these purposes is defined as entering into a fraudulent marriage with the primary intention of avoiding any of the provisions of the Immigration Law or of obtaining a benefit under any of its provisions.

**Status and residence pre-existing rights**

That a provision be made to save any pre-existing rights as to Caymanian status or permanent residence.

**Consequential amendments**

That certain amendments to the Trade and Business Licensing Law and the Local Companies Control Law, be made consequential upon the new definition of the Immigration Board.

**Saving provisions**

That savings provisions be made in respect of existing Gainful Occupation Licences.

**RECOMMENDATION TO EXECUTIVE COUNCIL TO ISSUE A DIRECTION ADDRESSING SECURITY OF TENURE AND WORK PERMITS FOR LONG-TERM RESIDENTS AND DEPENDENTS**

The Select Committee recommends that Executive Council issue the following Direction (No. 10) to the Caymanian Immigration Board in respect of (a) sweeping up of long-term residents, (b) the children of permanent residents, and (c) the gainful employment of permanent residents.

**"DIRECTIONS (NO. 10) TO THE CAYMANIAN PROTECTION BOARD**

The Directions given to the Caymanian Protection Board on the 5th of February, 1985, and published in Extraordinary Gazette dated 27th of March, 1985, are amended by the addition of the following new Directions:

"27. (i) A dependent child of a person possessing or granted permanent residence shall be granted a right to enter into and remain in the Cayman Islands until obtaining the age of 18, whereupon any such right (unless preserved in accordance with the next paragraph) shall cease.

(ii) Any person who -

(a) has attained the age of 17 years; and

(b) has permanent residence under the provisions of the proceeding paragraph which residence would otherwise cease upon attaining the age of 18 years, may apply to the Board for the grant of permanent residence to take effect upon his attaining the age of 18 years. In dealing with such application the Board may grant such residence to the applicant to take effect at the date of the applicant attaining the age of 18 years and if such person has been resident in the Island for at least five years out of the seven years immediately preceding his application such grant, unless the Board considers there are exceptional circumstances why it should not be granted.

(iii) For the purposes of the proceeding paragraph, any period spent abroad solely for the purpose of attending a recognised educational establishment shall not be considered as absent from the Islands for the purposes of computing any period of residence.

28. (i) In the case of applications for an endorsement of a grant of permanent residence to permit the permanent resident to engage in gainful occupation, or to vary an existing endorsement, the Board should if otherwise minded to grant the application and in addition to any other conditions it considers appropriate:

(a) save in exceptional circumstances condition the permission to limit the permitted occupation to the principal employment or proposed employment of the applicant at the time of the application.

(b) need not otherwise limit the applicant to any particular employer within the permitted employment, trade or profession; and

(c) where the applicant seeks to be self-employed, make it a condition of the licence that if the applicant seeks to employ others the endorsement will be open to review by the Board

(ii) The said grant should be further conditioned that in the event of a change of occupation further application should be made to the Board and that in determining that application the Board would be at complete liberty to refuse it, and if it considers it appropriate by reason of there being no other employment available for the person concerned, withdraw the permanent residence.

29. (i) In the case of applications for the grant of permanent residence from persons who have been ordinarily resident in the Islands for a period of 20 years or more, the Board should, if the

person is otherwise qualified for permanent residence grant the application unless there are exceptional reasons it should not do so.

(ii) In the case of permanent residence granted under the provisions of the proceeding paragraph the Board should also, if any application in that behalf is made by the applicant, endorse the permanent residence with a right to work pursuant to section 24 of the Law, in accordance with Direction 28.

#### REPORT OF THE SELECT COMMITTEE TO THE LEGISLATURE

The Select Committee agrees that this Special (Fourth Interim) Report be the Report of the Committee to this Honourable House and that, in accordance with the provisions of Standing Order 7295), a motion to adopt the recommendations in respect of changes to the Caymanian Protection Law, 1984, be forthwith moved by the Chairman.

#### MOTION TO ADOPT COMMITTEE'S RECOMMENDATIONS

I so move and I would invite Honourable Members to consider deferring debate to coincide with the Second Reading of the Immigration Bill which is on the Business Paper. Moved by the Honourable First Official Member, Chairman of the Select Committee and that debate thereon be deferred until the Second Reading of the Immigration Bill.

QUESTION PUT: AGREED.

MOTION TO ADOPT THE RECOMMENDATIONS OF THE SELECT COMMITTEE'S REPORT, AND FOR THE DEBATE UPON THE MOTION TO BE DEFERRED UNTIL THE SECOND READING OF THE IMMIGRATION BILL, PASSED.

MADAM SPEAKER:  
East End, question No. 101.

Questions to Honourable Members, the Elected Member for

### QUESTIONS TO HONOURABLE MEMBERS

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

NO. 101: Can the Honourable Member say what tourist related businesses on these Islands do not collect and distribute gratuities to workers?

ANSWER: Presently 16 tourist related businesses on the Islands have reported that they do not, as a policy, collect and distribute gratuities to their employees. These establishments are as follows:

Anchorage View Restaurant  
Bananas Ltd Restaurant  
Big Daddy's Restaurant  
Domino's Pizza  
Durdy Reid's Restaurant  
Hog Sty Bay Cafe  
Hospitality World  
Hungry Horse Restaurant  
Indies Suites  
Santiago's Restaurant  
Silver Sands Cafe  
Tony Roma's Restaurant  
West Bay Polo Club Restaurant  
Blackies Hotel and Restaurant  
Ed's Place Restaurant  
La Esperanza Restaurant

SUPPLEMENTARIES:

MADAM SPEAKER: Supplementary, the Elected Member for East End.

MR. JOHN B. McLEAN: Thank you, Madam Speaker. I wonder if the Member could say what systems do they have in place, "they" referring to those that he gave me in the answer to ensure that their employees received such gratuities?

HON. W. NORMAN BODDEN: Madam Speaker, to the best of my knowledge they use different systems. The system in most of them it is up to you system. They leave it to their client to determine the quantum or if any, gratuity in fact, should be left. I think in some instances what is collected goes to the individual and in other instances they seem to pool what is given on a voluntary basis and divide it up.

MADAM SPEAKER: Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** I wonder if the Member could say if he is aware of the hardships this improper distribution of gratuities have caused some of our people who work so hard to promote tourism within our country?

**HON. W. NORMAN BODDEN:** Madam Speaker, I am aware that there have been many allegations made to the Director of Labour regarding improper distribution to those who receive what percentage they received and various categories apparently received different percentages. There have been allegations. Many of these have been investigated and as the Member for East End knows we are presently looking at standardising a system which we believe would be more equitable.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Am I to understand from the Member then, that he considers the action which is presently planned to be positive action by the Government and the Labour Board which will solve the problem which presently face our people?

**HON. W. NORMAN BODDEN:** Madam Speaker, I believe that a standardisation of the system will go a long ways to reducing the number of complaints as to what system is actually applied in the different properties. However, I should make it clear that it is not the intention to force or dictate to any business that they must collect gratuities. What is provided under the Labour Law is, that if they do collect gratuities, then there is a proper procedure to be followed and we intend to see that the proper procedure is followed.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Could the Member tell us if he is aware that certain properties have, according to their employees, taken such gratuities and unevenly distributed them and in some cases, it is my understanding, utilises the gratuities to pay the staff members straight salary?

**HON. W. NORMAN BODDEN:** I am not aware, Madam Speaker, that gratuities in their entirety are used to pay salaries. What has always been alleged is that gratuities are often used to compensate for low salaries. There have also been allegations that management in some properties participate in the gratuity system. In fact, I think that at the last Meeting of the House I pointed out that there is a certain property in Grand Cayman which is being prosecuted by the Director of Labour because of violations in regards to the distribution of gratuities.

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. As I understood it, the gratuity system was put in place more or less as an incentive to motivate the people who work in these areas to perform better. If it is such a case where these gratuities are not reaching the hands of those who have earned them, how then does Government expect the proper performance from the individuals?

**HON. W. NORMAN BODDEN:** Madam Speaker, it is not only what Government expects but I think their employers expect the proper performance and as I said, there have been many allegations made and whenever specific cases are brought to the attention to the Director of Labour and the Portfolio they are investigated and addressed to the extent possible.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say what time elapses when complaints are made or when requests are made to have these matters investigated? What time elapses before the actual investigation takes place?

**HON. W. NORMAN BODDEN:** I would venture to say that they are probably investigated within the week, at least, or 10 days at the maximum.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could tell us if, at present time, there are any tourist related businesses on the Island, which are presently reported to the Labour Board and have not yet been investigated for gratuity distribution?

**HON. W. NORMAN BODDEN:** Madam Speaker, I am not aware of any reports which have been made which were not investigated.

**MADAM SPEAKER:** The next question is No. 102 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. 102:** Can the Honourable Member say what department, or departments, are housed in the Campbell Building; what was the additional cost for furniture and where was it purchased?

**ANSWER:** The Education Development Plan Project Implementation Unit is presently housed in the Education Centre formerly known as the Campbell Building. The building is currently being used extensively by teams of curriculum writers engaged in the writing of the year six curriculum. No other Government department is presently housed in this building. No money was spent by the Portfolio on furniture, except for four work-tables made by the Public Works Department at a total cost of \$1,200.00.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could give us the total number of persons who occupy this building?

**HON. BENSON O. EBANKS:** At the moment, Madam Speaker, it would be about eight full time and others that come and go working at the curriculum, as I said.

**MADAM SPEAKER:** Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member say whether the present occupants of this building are satisfied with the facility and is it correct that it is not suitable for what they are expected to perform?

**HON. BENSON O. EBANKS:** No, Madam Speaker, I have no knowledge of that. In fact, the people that are using the facility were very much involved in the selection of it.

**MADAM SPEAKER:** If there is no further supplementary, the next question is No. 103, 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. 103:** Would the Honourable Member say exactly what size the property (land) of the Campbell Building is, and what it cost Government to upgrade it.?

**ANSWER:** According to the Land Register for the parcel (14D 299), the approximate area is .40 acres. No upgrading work has been done to the building or land.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us the number of parking spaces allotted for this facility?

**HON. BENSON O. EBANKS:** Accommodation for 25 vehicles, Madam Speaker.

**MADAM SPEAKER:** The First Elected member for Boddan Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say whether this building has any facilities to accommodate the holding of a small conference?

**HON. BENSON O. EBANKS:** Yes, Madam Speaker, sufficient in the view of the department and the Portfolio to accommodate the Education conferences that are anticipated to be held there.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Am I to understand then that the upgrading of the yard parking space was done prior to Government purchasing the building?

**HON. BENSON O. EBANKS:** If any upgrading has been done to the parking spaces, Madam Speaker, it must have been done before. The only thing I know of is that Public Works in carrying out general repair in the area to manage the water did a coating on the roadway that goes down by the side of the building but I have no knowledge that anything was done to the parking area.



**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. In other words, the cost to put in the parking spaces which you told me are 25 spaces was a cost to the original owner?

**HON. BENSON O. EBANKS:** That is correct, Madam Speaker.

**MADAM SPEAKER:** The next question is No. 104, standing in the name of the First Elected Member for Bodden Town.

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

**NO. 104:** Would the Honourable Member say on what basis is promotion in the prison service made; how many Caymanians have been promoted in the last three years; and how many foreign nationals were promoted over the same period?

**ANSWER:** Selection for promotion is based upon a process of continuous assessment, proven job performance and, where appropriate, acting experience in the higher rank. Promotions from basis grade officer to lead officer requires that the candidate has passed a qualifying paper. In the past three years there have been six promotions: 4 Caymanians; 1 Nicaraguan (parents with Caymanian status); 1 Barbadian.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. May I ask the Honourable Member, the nationalities of the Members who make up the panel, who assess the candidates for promotion?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I do not know if there is a fixed panel. I believe that the panel is established by the Director of Prisons. He himself sitting on those panels that he is able to sit on and in other cases his Deputy.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to know whether there is on that panel a Caymanian?

**HON. J. LEMUEL HURLSTON:** No, Madam Speaker, I do not know the details of the composition of a standard panel, but as I said, the Director takes responsibility for the final selection, regardless of who sits on the panel.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say what is the normal probationary period for a candidate who is up for promotion?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the probationary period for a new recruit is normally 12 months.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** I wonder if the Honourable Member can say if this is definitively followed or if there are cases where prospective candidates have to serve a probationary period of as much as two years?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, there is provision for the extension of probation and I have reason to believe that there have been cases where it has been extended.

**MADAM SPEAKER:** The next question is No. 105, standing in the name of the First Elected Member for Bodden Town.

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

**No. 105:** Would the Honourable Member say what are the procedures used in recruiting persons into the Royal Cayman Islands Police Force?

**MOTION TO DEFER QUESTION NO. 105**

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I have to beg leave of the House in accordance with the provisions of Standing Order 23(5), to defer answering the question as the written answer is not presently available.

**QUESTION PUT: AGREED.**

**QUESTION NO. 105 DEFERRED.**

**MADAM SPEAKER:** The next question is No. 106, standing in the name of the First Elected Member for Bodden Town.

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

**NO. 106:** Would the Honourable Member say what was the amount of money spent on advertisements for new recruits, over the past twelve months, by the Royal Cayman Islands Police Force?

**ANSWER:** Over the past 12 months, the Royal Cayman Islands Police Force has spent the sum of CI\$1,070.00 from its vote on advertisements for new recruits. Additionally, the Public Service Commission has spent CI\$3,837.91 on behalf of the Police for recruiting advertisements. This sum is broken down as follows: (a) Local advertising - CI\$1,248.00; (b) Two advertisements in the Police review for United Kingdom officers - CI\$2,589.91. The total sum spent on recruiting advertisements for Royal Cayman Islands Police is, therefore, CI\$4,907.91.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. May I ask the Honourable Member how many recruits were there for this sum of money over this period?

**HON. J. LEMUEL HURLSTON:** Madame Speaker, I do not have the total number of officers who were recruited in the last 12 months. I do know that a considerable number were interviewed as prospective recruits. The final number of those who were successfully recruited, I have not got. I could undertake to provide the House with that information in writing.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. In light of the continuing problem with getting Caymanian recruits, Madam Speaker, I wonder if the Honourable Member would give some consideration to the fact that the sums expended may not be sufficient or the advertisement may not be sufficiently effective, so as to reach that section of the Caymanian populace which might be interested in joining the Police Force.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, during the last year a rather unusually intensive campaign was launched and to increase upon that intensity and improve upon it is going to be considerably difficult. The recruitment effort last year went as far as Officers going from house to house in districts on the Island in an attempt to identify prospective candidates and anything more intense than that is not conceivable.

**MADAM SPEAKER:** The First elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker, I wonder if the Honourable Member would give some consideration to my request to liaise with the Chief Fire Officer and perhaps exchange recruiting strategies with him, as I understand that he runs very successful recruiting campaigns?

**HON. J. LEMUEL HURLSTON:** Certainly, Madam Speaker, we are open to innovative and successful ideas and suggestions from anybody and if the Chief Fire Officer can help, we would be more than delighted.

**MADAM SPEAKER:** The next question is No. 107, 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. 107:** Will the Honourable Member give the total number of teachers by nationality in Government schools, and say how many Caymanians have been fully trained as teachers since November, 1984?

**Answer:** (a) The total number of teachers by nationality in Government Schools is as follows:

Caymanians	87
Jamaican	58
British	90
Guyanese	2
Barbadian	2
Vincentian	1
Grenadian	1
Canadian	5
American	4
Trinidadian	8
Pakistani	1
Belizean	1
Total	260

(b) Since 1984, 26 Caymanians have been fully trained as teachers.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. The answer provided by the Member, it states that 87 Caymanians are trained or working presently as teachers. I wonder if the Member could say how many of these are at the High School, Middle School level, as compared with the Primary level?

**HON. BENSON O. EBANKS:** Madam Speaker, at the Cayman Islands High School, there are 19; Cayman Brac High School - 5; Cayman Islands Middle School - 23. I make that a total of 47.

**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 there is any programme in place by the Education Department to actively recruit more Caymanians into the teaching profession so that their numbers can increase, vis a vis those of the foreign nationals in the profession?

**HON. BENSON O. EBANKS:** Madam Speaker, I think that question is substantially the next question on the Order Paper.

**MADAM SPEAKER:** He could defer that supplementary. If there are no further supplementaries the next question is No. 108, 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. 108:** Will the Honourable Member say what programme is in place to ensure that Caymanians will comprise a larger portion of the Government teaching staff?

**ANSWER:** The training of teachers is one of the priority areas for Government scholarships. Eight such scholarships have been awarded this year out of a total of 35 scholarships which were awarded. Careers' guidance continues to be given by the Careers Teachers at the Cayman Islands High School. The Chief Education Officer also gives personal advice to parents and young school leavers as do other teachers in the service.

The Teacher's Aide Programme in Government Schools is structured to promote the active pursuit by young Caymanians of a career in teaching by giving them practical experience before pursuing studies to become a teacher.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the 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 other strategies available or proposed by the department to increase the number of Caymanians into the profession?

**HON. BENSON O. EBANKS:** Madam Speaker, there is discourse between the Portfolio, the department and the Community College towards establishing a teacher's training programme there. That is the only other strategy I would say will be employed.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. In addition to training Caymanians, we seem to have a problem retaining Caymanians in the profession. I wonder if the Member could say if there are any policies or programmes in place to ensure that Caymanians who are trained and are in the Service, remains there?

**HON. BENSON O. EBANKS:** Madam Speaker, the information that has been given to me on the 26 Caymanians trained since 1984, there is only one notation of a teacher having left. That teacher has left for Wendy's.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** So it shows that you do not have a programme in place to retain your employees, if Wendy's can draw them away. My question is, how many Caymanians are presently being trained as teachers, the Member did mention that eight scholarships were awarded this year. But how many students are in training and what is the proposed timetable for their completion?

**HON. BENSON O. EBANKS:** To this point, Madam Speaker, we have had an average of four students per year and they are four year courses. This year is the first year we have had as many as eight apply, so you would have roughly 12 in training now.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. There is a serious demand for more qualified Caymanian teachers in the service and at the rate of four per year, it appears that it would take forever to train sufficient Caymanians for that purpose. I wonder if the Member could say what other steps are being considered in order to encourage more young Caymanians to look at teaching as a career?

**HON. BENSON O. EBANKS:** Madam Speaker, that was the substantive answer I gave to the question and the fact that we have gotten eight applications this year, is an indication that our efforts are beginning to bear fruit.

**MADAM SPEAKER:** The next question is No. 109, 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. 109:** Will the Honourable Member give a detailed breakdown of construction and maintenance of roads, by districts, during the first five months of 1992?

**ANSWER:** The total cost, for the first five months of 1992, for construction and maintenance costs of roads, by district, is detailed as follows:

West Bay	\$	75,157.00
George Town		562,323.00
Bodden Town		20,962.00
East End		60,096.00
North Side		11,553.00
		-----
Total Grand Cayman	\$	730,091.00
Sister Islands		299,758.00
		-----
Grand Total	\$	1,029,849.00

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary, the Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Madam Speaker, the Member mentioned \$75,000 spent on roads in West Bay. I wonder if he could identify those roads which were worked on in that district?

**HON. LINFORD A. PIERSON:** Madam Speaker, the answer said that this was the cost for construction and maintenance work carried out on the roads and I will give the breakdown for West Bay. For West Bay, brush cutting, was \$15,309; hot mix patch \$16,881; shoulder maintenance work \$42,967; for a total of \$75,157.

- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Thank you. Could the Member give the George Town please?
- HON. LINFORD A. PIERSON:** Madam Speaker, I did not get that supplementary.
- MADAM SPEAKER:** The Third Elected Member for West Bay will try to explain what he said.
- HON. LINFORD A. PIERSON:** That is fine, Madam Speaker, I think I know the question. The breakdown for George Town is brush cutting \$31,916; hot mix patch \$78,052; shoulder maintenance work \$166,536; spray and chip \$40,342; marl patching \$1,793; for a total of \$318,639.
- MADAM SPEAKER:** It is now 11 o'clock.

11:00 A.M.

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

- HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move the suspension of Standing Orders 23(7)&(8) in order to complete questions.

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

**Supplementaries on Question No. 109 (continuing):**

- MADAM SPEAKER:** Supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member explain why more than half of the funds expended on roads in the first five months of the year were spent in his district and why so little work has been done in Bodden Town, East End, and North Side despite repeated requests for maintenance?

**HON. LINFORD A. PIERSON:** Madam Speaker, it may be helpful if I provided the Member with a summary for the past three years for capital works done by district. In 1991, we spent \$69,778 in West Bay; in 1990 it was \$426,223 in West Bay; in 1989 we spent \$388,438 for a total for the three years in West Bay, of \$884,439. In George Town in 1991 we have spent \$845,234; in 1990 \$245,576; in 1989 \$323,188 for a grand total in three years of \$1,413,998. In the district of Bodden Town in 1991 we spent \$107,804; in 1990 we spent \$618,057; in 1989 we spent \$129,100 for a grand total of \$854,961. In East End in 1991 we spent \$184,713; in 1990 \$103,509; in 1989 \$209,560 for a grand total in the three years of \$497,782. In North Side 1991 was \$16,044; in 1990 \$70,963; in 1989 \$268,700 for a total of \$355,707.

Madam Speaker, for this same period for the Sister Islands we spent \$2,324,439 as compared in Grand Cayman for a grand total of \$4,420,317, or 34 per cent of the total \$6.7 million spent on roads in the past three years, that is 1989, 1990 and 1991, was spent in the Sister Islands.

- MADAM SPEAKER:** Supplementary, the Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member say if in the figures given in his answer to the original question, does this reflect maintenance and/or repair done as a result of certain utility companies such as the Cable and Wireless and the Water Company carrying out their works?

**HON. LINFORD A. PIERSON:** Yes, of the figure given for George Town, \$34,000 was in respect of 35 trenches that were repaired between the Merren's area and Hyatt. I should mention that these trenches were, in fact, repaired under the law by the Water Authority but that it had to have passed the period for the settlement and that it was now Government's responsibility to repair these.

- MADAM SPEAKER:** Supplementary, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Would the Honourable Member, give the breakdowns for 1990 and 1989 for West Bay and could the Member say how many roads were repaired and how many roads were built out of these monies?

**HON. LINFORD A. PIERSON:** Madam Speaker, for 1989 in West Bay, there were a total of four jobs for a total figure of \$388,438, broken down as follows. Birch Tree Hill by-pass \$44,513; second application work for \$57,250; shoulder work for \$100,000; sidewalks to Government House \$186,675. In 1990, the breakdown on the cost for 1990 of the \$426,223 that were spent on West Bay, the West Bay boat ramp was \$795; the Graham Ebanks Road was \$4,451; Garvin Road was \$424,647; the Poultry Farm \$2,817; Morgans Harbour \$2,754; Kings Road \$138,280; Pond Road \$21,590; Ivan Farringtons Road \$6,736; Governors Harbour \$5,976; Muriel Jackson \$33,647; Captain Charlie Road \$196; Batabano Road \$13,078; Willow Close \$1,556; West Bay Sports Complex

\$38,054; West Bay Soft Ball Pitch \$36,074; Audry Powery Road \$471; Bonaventure Home Road \$3,631; Mt. Pleasant \$30,722; North West Point Road \$59,499; Graham Ebanks fencing \$1,249 for 18 jobs completed in 1990 at a total cost of \$426,223.

**MADAM SPEAKER:** I will allow supplementary by the First Elected Member for West Bay first, please.

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. The substantive question deals with the construction and maintenance of roads. How did the softball pitch and other such matters as the boat ramp and the fencing get into the road works for the district? Can he tell me what about the \$186,000 for the sidewalks?

**HON. LINFORD A. PIERSON:** In 1990, I will give the Member the answer on the maintenance in construction. The figure I gave earlier included all costs, so I will give him a total breakdown on that. Maintenance work and the construction for West Bay in 1990 - \$90,209 for maintenance. Construction was \$426,223 with a grand total of \$516,432 which was 17.6 per cent of the total amount spent on roads.

In George Town the maintenance costs was \$218,634; construction was \$245,576 for a total of \$464,210 or 15.8 per cent. In Bodden Town the maintenance costs was \$73,322; construction being \$618,057 for a grand total of \$691,379 or 23.5 per cent. In East End the total was \$35,550 maintenance; \$103,509 construction for a grand total of \$139,059 or 4.7 per cent. In North Side maintenance work carried out total \$26,663; construction \$70,963 for a grand total of \$97,626 or 3.3 per cent. The total work carried out in Grand Cayman in 1990 was \$1,908,706.

**MADAM SPEAKER:** Supplementary, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, thank you very much. Can the Member tell me out of the \$426,000 in 1990, how many roads were done and which roads is he talking about?

**HON. LINFORD A. PIERSON:** Madam Speaker, I just provided the Member with the 18 jobs that were carried out.

**MADAM SPEAKER:** Supplementary, the First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:** Madam Speaker, I am dealing with a specific figure as he gave a specific figure for a specific year. For 1990, I am asking him which roads is he talking about?

**HON. LINFORD A. PIERSON:** Madam Speaker, it seems to me the Member is confused. I have just read out 18 jobs for a total of \$426,223. I can read it again but I just read it.

**MR. W. McKEEVA BUSH:** Are you talking about construction of roads, that is what I am talking about?

**HON. LINFORD A. PIERSON:** Yes, Madam Speaker.

**MADAM SPEAKER:** Can we move on to another Member now. The Second Elected Member for Bodden Town, please, supplementary.

**MR. G. HAIG BODDEN:** Madam Speaker, in his answer to the question the Member states that he spent \$20,962 in Bodden Town in 1992. Will he let us know where he so graciously spent this money?

**HON. LINFORD A. PIERSON:** Madam Speaker, I will graciously answer the Member. I had provided this information before but I will again. For the first five months, I assume you are asking about, for 1992 it was a total of \$20,962 for maintenance. I will provide the breakdown on that. Brush cutting \$13,138, this is in respect of Bodden Town. Hot mix patch \$3,484; shoulder maintenance \$3,260 and marl patching \$1,080 for a total of the \$20,962.

**MADAM SPEAKER:** I will allow the last supplementary on road work, the Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. I wonder if the Member can confirm whether or not any of the \$900,000 that we were told on Monday that was spent on the Jennett L, is included in the \$562,323 that he says he spent in George Town?

**HON. LINFORD A. PIERSON:** Yes, Madam Speaker.

**MADAM SPEAKER:** The next question is No. 110, 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 TOURISM AVIATION AND TRADE**

**NO. 110:** Will the Honourable Member say if any decision has been made regarding the cost of operating the inter-Island air service by Cayman Airways Limited?

**ANSWER:** The consultants are presently evaluating the recommendations made for the inter-Island service to be operated by a combination of turbo-prop and jet aircraft. In so doing, careful consideration is being given to the quality of service which turbo-prop aircraft would provide, and also determine, the exact cost of procuring such equipment and the cost of its operation, compared with the projected revenue this route can produce. It is expected that the consultants will complete this exercise within the next two weeks.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Would the Honourable Member say if in the course of this study the consultants are also looking at the use of the jet air craft in continuing that service inter-Islands?

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker.

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

**MR. GILBERT A. McLEAN:** Is any consideration being given to making this a separate cost to the airlines which Government would be expected to pay?

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker. Consideration is being given to either setting up a separate subsidiary company for the inter-Island service or to either arrange it internally so that the cost of its operation and the revenue generated can be kept totally and apart from the international operation of Cayman Airways.

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

**MR. GILBERT A. McLEAN:** Could the Member say how soon this decision might be taken and is there any ideas at all at this time of what the cost might be?

**HON. W. NORMAN BODDEN:** Madam Speaker, as soon as the exercise has been completed and we are in a position to compare the cost of the present operation with what the cost would be for any changes that might be made in that service, then consideration will be given as to the mechanics exactly how the accounts will be kept separate and apart. I am not sure if the Member is enquiring about the cost that would be involved for setting up a separate operation or the cost of the service?

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

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. Would the Honourable Member say if this anticipated service would include between Grand Cayman, Cayman Brac and Little Cayman and if it would be operated by Cayman Airways or a chartered service?

**HON. W. NORMAN BODDEN:** The idea is to find the details and to be able to analyze the possibility of locating a turbo-prop air craft that could serve both Cayman Brac and Little Cayman. The idea would be for the service to be operated by Cayman Airways.

**MADAM SPEAKER:** The Second Elected Member for Cayman Brac.

**MR. GILBERT A. McLEAN:** There has always been disagreement as to the true cost of operating the Inter-Island service. Is care being taken to ensure that the cost included in the findings will be those which are strictly confined to operating that service there in terms of landing, costs of staff and all the rest of it?

**HON. W. NORMAN BODDEN:** As near as can possibly be established, Madam Speaker, and the cost of this operation has again been re-examined by the present consultants and it has been established as near as possible that the cost of that Inter-Island service at present, is \$1.5 million per annum.

**MADAM SPEAKER:** The next question is No. 111, 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 TOURISM AVIATION AND TRADE**

**NO. 111:** Will the Honourable Member say what are the general contractual commitments of Cayman Airways Limited in respect of the five aircraft presently leased by the Company?

**ANSWER:** The general contractual commitments of Cayman Airways Limited, in respect of the aircraft it currently operates, are as follows. The B737-400 is leased from ILFC for a 12 year period, with options to purchase at the end of five and/or 12 years, and options to extend this capital lease. The lease also provides for the aircraft to be sub-leased or assigned to a third party. The monthly payment is US\$316,000.00. One B737-200 is leased from ILFC until March 1994, with options to purchase or extend. The monthly payment is US\$100,000.00. The other B737-200 is leased from ILFC until September 1994, with options to purchase or extend. The monthly payment is US\$75,000.00.

One B737-300 is leased from Air Invest BV until September 1992. The monthly payment is US\$100,000.00. One B737-200 is leased from CIT. The monthly payment is US\$75,000.00. The lease can be terminated during the first year upon giving 90 days notice. The lease can be extended after the first year for two years at US\$105,000.00 per month. It should be noted that this aircraft is presently NOT in service and, as such, is not incurring any cost to Cayman Airways Limited.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Could the Member say why one of the aircraft is presently not in operation?

**HON. W. NORMAN BODDEN:** Madam Speaker, there were maintenance checks that had to be completed by the company leasing the aircraft to Cayman Airways first and that is what is presently being done.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. GILBERT A. McLEAN:** Madam Speaker, will the Member say if he can let us know what is costing the company to have the services of the freight plane which is not included in these five aircraft?

**HON. W. NORMAN BODDEN:** Madam Speaker, to the best of my knowledge the cargo aircraft would be operated on a charter per flight basis. I do not believe there is any lease agreement, as such, between the company and any cargo operators.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member please tell us if the checks which he is speaking of on the aircraft presently out of service will be carried out here on the Island by our local personnel?

**HON. W. NORMAN BODDEN:** No, Madam Speaker. Those checks are being conducted by the lessor of the aircraft in the United States.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker, In his answer to us the Member mentioned that there was an option to purchase at the end of five years. Could he please tell us at what cost?

**HON. W. NORMAN BODDEN:** No, Madam Speaker. That would be a formula that would be included in the lease arrangements and I do not have that figure with me.

**MADAM SPEAKER:** Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. In the answer given by the Member, according to my calculation, the monthly lease payments on these five aircraft is \$666,000. I wonder if he could say how this compares with the lease payments that were due on the two 737-400s?

**HON. W. NORMAN BODDEN:** The figure quoted by the Third Elected Member for West Bay for five aircraft would be correct. However, as I noted in the substantive reply one of those -200s is not be operated at the present time and therefore no lease is being paid on that particular aircraft. The cost of the four aircraft presently being operated would total \$591,000 and the comparison with what was being paid for the aircraft -400s from GPA would be \$620,000.



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

**MR. GILBERT A. McLEAN:** Madam Speaker, the Member said that one aircraft, the -300 is being leased for 12 years. Is that an arrangement whereby the company cannot break this lease and the cost of \$316,000, is that not more than what the -400s prior to that were leased for?

**HON. W. NORMAN BODDEN:** The aircraft that is leased for the 12 year period is the -400 aircraft and the lease cannot be broken but the company has the option of immediate lease-out arrangements to another company. The monthly flat rate of \$316,000 is higher but the total cost of this aircraft with the -400 which was leased from GPA, more or less equates if you take the reserve for maintenance into consideration on a per hour basis. That is substantially less than what was being paid to GPA.

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

**MR. GILBERT A. McLEAN:** Would the Member tell the House how did Cayman Airways in the light of the situation of the two -400 aircraft, which it had leased to GPA, get itself into a situation of leasing a third aircraft for more monthly payment in a situation where the contract cannot be broken? What was the legal advice available to Government? Could the Member say in this instance?

**HON. W. NORMAN BODDEN:** Madam Speaker, the decision to enter into a lease with ILFC on the -400 aircraft was done in 1990, under entirely different market conditions than exist today. The advice that the company was given to the best of my knowledge indicated that the terms and conditions of this contract with ILFC were certainly an improvement over the terms and conditions of the contract with GPA.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member please undertake to have circulated to us the figures which I asked for for the purchase after the end of five years? Could he also tell us the respective ages of the five aircraft in question?

**HON. W. NORMAN BODDEN:** Madam Speaker, I can undertake to circulate to Members the cost of the option as exercised at five years or 12 years in regards to the lease of the -400. As to the age of the aircraft I do not have that exact information with me but the 737-400 was a new aircraft that came directly from the factory via ILFC. It is probably a year and a half years old. The 737-300 is practically a brand new aircraft. I imagine the age of it would probably be around the same as the -400 and the -200s I would say probably nine or 10 years old.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. Regarding the lease - I wonder if the Honourable Member could tell the House if the lease was negotiated under any form of duress or in any haste as a result of the failed negotiations with the other company or exactly why we had to have such a binding contract?

**HON. W. NORMAN BODDEN:** Madam Speaker, I am not aware of any negotiations that took place under duress and I cannot comment on that. I have said and maintained that to the best of my knowledge and understanding the contract that was negotiated at the time was considered to be the best terms and conditions that could be obtained based on the market conditions that prevailed at the time the contract was being negotiated.

**MADAM SPEAKER:** There is going to be sufficient time for two further supplementaries which will make 12 for this question and it will be the Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Why are you leasing five jets when page 20 of the Report by the experts said you should only have three?

**HON. W. NORMAN BODDEN:** Madam Speaker, the fifth aircraft has only been leased on a very short-term basis to put extra seats in the market place in order to support the continued development of tourism after the withdrawal of Pan American World Airways from service to the Cayman Islands. This is the reasoning why the additional equipment has been used up to the present time. It is to support the continuing development of tourism. The other aircraft are much smaller aircraft, much less expensive aircraft and the number that are being operated are needed in order to provide the market place with the required number of seats.

**MADAM SPEAKER:** The last supplementary will be the Second Elected Member for Bodden town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member say if it is correct that under the leasing arrangements with Guinness Peat that the first two 737-400s that were leased that that lease is still

enforced and in May and October 1994, Cayman Airways will have to continue paying the \$600,000+ a month for them unless GPA decides otherwise? In other words, the amounts which he has told us could well double in 1994 under the contract enforced because it is a legal contract.

**HON. W. NORMAN BODDEN:** Madam Speaker, the settlement with Guinness Peat Aviation involved an option for them to be able to return the two -400 aircraft to Cayman Airways at some time in the future at a lower rental than was being paid previously. That is part of the existing agreement and I would not want to comment any further on that at this stage. It is a part of the agreement that we are certainly still considering and would endeavour to do whatever is possible to eliminate that from the agreement.

**MADAM SPEAKER:** The last question for this morning is 112 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 TOURISM AVIATION AND TRADE**

**NO. 112:** Will the Honourable Member say when will the automatic entrance doors to the ticket counter at Gerrard Smith Airport in Cayman Brac be repaired?

**ANSWER:** The door in question is not designed for manual exit and prolonged openings which rapidly destroy mechanical parts. It has been found that the gross misuse of this door in this manner has necessitated frequent and costly repairs. Consequently, consideration is being given as to whether or not this door should be replaced by a new type of different design.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Madam Speaker, in the reply the Member here speaks of manual exit. The doors I am speaking about are automatic doors and they have been out of operation for several months. Could he explain exactly what the reply is conveying?

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker, I am aware that these are designed as automatic doors but the problem, as I understand it, is that the doors are held open manually and by forcing the doors open and keeping them open manually destroys or damages the mechanism by which they are operated automatically.

**MADAM SPEAKER:** Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Madam Speaker, would the Member say how soon a decision will be taken to either repair these doors or replace them with others which are more appropriate and I hope of an automatic type?

**HON. W. NORMAN BODDEN:** This matter is under review with the Civil Aviation Authority and the DCA and what we are looking at is a possibility of installing sliding doors rather than those that swing in and out. They would be automatic.

**MADAM SPEAKER:** Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Madam Speaker, in the meantime would the Member who is Chairman of the Airport Cooperation, I think instruct that something be done at least to open these doors so that out-going passengers would have the opportunity of passing through them because they are presently locked and the doors that one should exit through are in use and that is creating great difficulty on the sidewalk for out-going passengers.

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker, I will give that undertaking to endeavour to have repairs effected as early as possible but sometimes parts have to be flown in and with the abuse of the existing doors it is becoming more and more costly to keep them at the operational level that is desirable for the travelling public.

**MADAM SPEAKER:** That concludes Question Time for this morning, the House will be suspended for 15 minutes.

**AT 11:43 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 12:09 P.M.**

**MADAM SPEAKER:** Please be seated. Debate continues on Government Motion No. 3/92, Cayman Islands Health Authority - Loan Guarantee. The First Elected Member for Cayman Brac and Little

Cayman.

## GOVERNMENT BUSINESS

### GOVERNMENT MOTION NO. 3/92

#### CAYMAN ISLANDS HEALTH AUTHORITY - LOAN GUARANTEE

(Continuation of debate thereon)

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. Today seems to be a very emotional day here in Grand Cayman and I rise to offer my contribution to the debate on Government Motion No. 3/92, the Cayman Islands Health Authority - Loan Guarantee. Madam Speaker, with your permission I would like to read the Loan Guarantee Motion for the benefit of the listening public.

WHEREAS it is provided under section 28(1)(a) of the Public Finance and Audit Law that "No public officer shall give a guarantee involving any financial liability upon the Government unless such guarantee is given -

- (a) for the purposes of and in accordance with the provisions of a law or a resolution of the Legislative Assembly; or
- (b) with the prior approval of the Finance Committee.";

BE IT THEREFORE RESOLVED THAT the Legislative Assembly of the Cayman Islands, acting in accordance with section 28(1)(a) of the Public Finance and Audit Law, 1985, authorise the Government of the Cayman Islands to act as guarantor in respect of a loan of CI\$18,000,000.00 (or the equivalent in United States Dollars) by the Bank of Nova Scotia, Barclays Bank PLC and the Canadian Imperial Bank of Commerce and Trust Company (Cayman) Limited to the Cayman Islands Health Services Authority for the construction and equipping of a hospital in George Town, Grand Cayman and the expansion of the Faith Hospital in Cayman Brac."

Madam Speaker, I have seen a day similar to today, once before during the almost 12 years that I have had the privilege of being a Member of this Honourable House. That was the occasion of Motion 3/90. I would like before going into what I had planned to say that I believe in democracy and I support the right of people to say what they have to say and to do what is within the confines of the law, but I ask each and every one of them to realise that I, as a Caymanian, share those same rights. I do not see why my right should be any less than theirs. We are all proud to be Caymanians, we are all proud to see how this country has developed over the years. We have done our best to help it develop. I have not only served this country in this Legislative Assembly, but in my younger days even before air service came in to be so prevalent in these Islands, I served it as Master on a boat which brought most of the supplies and passengers to this and the other two Cayman Islands. I have seen Grand Cayman grow. I knew what Grand Cayman was then and I know what it is today. But I also know that our infrastructural development is not complete.

I would like to call to the attention of Honourable Members here today and the listening public that when the George Town Hospital became a reality, the Seaview Hotel was the best tourist establishment on this Island. It was adequate to serve the needs of the population of Cayman, somewhere in the neighborhood of 5,000, I think, and the tourists that were coming to this Island. It was quite adequate. It was expanded as best it could be but I ask you today, after its many attempts to expand in all ways, is it today truly a functional institution?

A hospital is something that is a hard place to run. It has to be developed so that the people that work there have a proper place to work but above all the patients which it serves, are served to the best. Remember what you are dealing with is lives and there is no second chance. Other avenues, if the roof leaks on a house, you have a second chance to go and repair it. If a patient dies, that is it. The actual patient flow at the George Town Hospital is as best as it could be provided because of the many additions. And I could go on and take the time of this House for literally hours to tell you why it needs to be improved, but that is not the purpose that I am standing before you today. I think the time has come when we the people of the Cayman Islands realise that every important issue that faces this Government or any other Government is not just put there to become a political issue.

I realise we all love our country and I am very happy and proud of the spirit of our people but let us put on our serious hat of concentration and realise that we, the present generation, the present leaders of Cayman have a solemn responsibility to the younger generation and generations to come to provide the infrastructural needs of this nation. It is fine to say that this should not be done and that should not be done because you do not have to make the decision. Since I have been a Member of this Honourable House and as a Member of this Honourable House, a member of the Finance Committee, which is a very important committee of this Honourable Legislative Assembly, we have entertained and passed many guarantees for loans to solely owned companies owned by the Government of the Cayman Islands, for the people of the Cayman Islands, we have made it to educational institutions, religious institutions, utility companies which serve Grand Cayman and all others that serve Cayman Brac as well.

We have done this because we felt it was in the best interest of

you, the people. These guarantees today add up to the contingent liabilities that this Government faces. Many of these are for the Statutory Bodies which, if our economy continues to be successful and it is my belief if we do not continue to do things that will destabilise this country, we have the reigns of this country in our hands. But we must be cautious not to send the wrong message to foreign investors and tourists who will come to our shores that we, ourselves, are losing confidence in our nation because when that happens our troubles will really begin. I say to you today, Honourable Members of this Legislative Assembly, and the people of the Cayman Islands, we have a solemn responsibility to send out a message that this country, this Government is well. All is well.

*(Members' laughter)*

**CAPT. MABRY S. KIRKCONNELL:**

You laugh, that is your privilege. But facts and figures prove me right.

**MADAM SPEAKER:**

I shall have order in the Gallery, if there is any further disturbance I will ask for the Gallery to be cleared. Would you all please keep quiet? Thank you.

**CAPT. MABRY S. KIRKCONNELL:**

Madam Speaker, this Government in its wisdom, and previous Governments, have made guarantees for Statutory Bodies to develop the Port Authority, to build this lovely building in which we are here today, the Courts Building, the Government Administration Building and the list could go on and on, including the District Administration Building and others and the Port Authority in Cayman Brac. Those guarantees were in the best interest of you, the people, because without those infrastructural developments this country could not cope with what we have today. The same position we see with the larger ships coming into Grand Cayman, the Port Authority is the same reason we need when you look from a health stand point why we need improved health facilities. I would like to call your attention to the international health care problem that exists around the world. Not only is there an economic recession around the world every country in the world is concerned about their health care facilities and the services which they can provide.

I congratulate the Honourable Member for Health and Social Services that during his term in office he has attempted to do something to improve us and to help keep us well ahead. We find ourselves, as Islands, separated by large bodies of water. We are not like rural areas not far from a metropolitan city, where you can get in a car or an ambulance and be driven to a major hospital for treatment. Let us remember that we are isolated to a certain extent, and regardless of how much money you may have if you are involved in an accident, or a heart attack, stroke or something that needs immediate attention and you need to be taken to a primary health facility with proper diagnostic facilities immediately, that what is necessary to sustain your life can be performed and you can be prepared to go on to the more better equipped tertiary medical institutions.

Let me say to you today, regardless of how much money you have or how much air ambulances there may be at the Owen Robert's airport or the Gerrard Smith Airport, if you do not have the primary care to do what is necessary after a trauma situation, you may arrive at the destination too late. So let us think today that it is not a matter of personalities. We are talking about an infrastructural need that this country needs and we owe it to the people to provide it. I am not saying today that this is the exact plan that we need. That has not been my charge in this responsibility but I have studied this as thoroughly as I would have studied any decision within my own business and possibly a lot more thoroughly.

I have carefully looked in to all that has been in the local press. I have studied both presentations by the Cayman Islands Medical and Dental Society. I have had interviews with the President of the Medical and Dental Society, so I do not come before this Honourable House without having first prepared myself for the decision which I shall make. I want to make it abundantly clear that I have no collective responsibility to hide behind. I have no obligation to vote against the Government or vote for the Government. I have an obligation to the people of the Cayman Islands to do what I feel is in the best interests of all the people both living and those that will come because the preparation of proper health care facilities will provide for the future as well as the present.

As I said before, this is not the first day that I have stood in this Honourable Chamber with such a large gathering in the Gallery and I am very happy that the people are showing this concern. As a matter of fact, many days when I glance in the Gallery and I see not one person sitting there, I wonder really how concerned are the people of the Cayman Islands with what we do here? Many, many days there is no-one in attendance but yet, we are performing what we promised you we would do and we do it to the best of our ability. I am fully aware that this, like many other issues, has not rose to its prominence because it is a national issue. It has rose to its prominence because it is a political issue and this is a General Election year. This is 1992, and on November the 18th, all of you I hope will exercise your democratic right in casting your ballot to choose the Government who will rule this country for the next four years.

Madam Speaker, I spoke earlier of the development of the George Town Hospital. Being one of the older Members in this Honourable House in years, I am not talking about experience or anything else, although I have been here for just about 12 years, I had the privilege of seeing the George Town Hospital go through many renovations and I think the Member responsible for Health at that time did the very best he could because the demand was not what it is today. I made reference to the problems world-wide in health care. We see from experience in our mother country that socialised medicine is beginning to crumble. It is not working. We here in the Cayman Islands have had a socialised system of medicine to a large extent. You, the people, who are today concerned about a guarantee for \$18 million have assumed the responsibility over the years for between 90 and 95 per cent of the cost of medical care in these Islands.

It was not until the present Honourable Member for Health instituted the three stage increase in health fees to go in conjunction with a national health insurance that the fees

are becoming a reality as compared to cost, but prior to that if you went to the hospital and you got a bill for a \$1, the Government, you the people, from your taxes got a bill for \$9. That was all right if it was one of you or me, or some of us who live in the Cayman Islands and contribute taxes to the Treasury which pays those bills, if it was not, and most cases our visitors having been accustomed in their countries to the high medical costs have always protected themselves with health insurance, but when they went to our hospitals they were billed about five per cent of cost and they paid the five per cent of cost and you, the people, so generously paid the other 90 per cent.

That is the reason that our Government today is seeking to improve that situation by providing proper health care insurance and from the revenue that will be derived from the fees that will be equated to cost, that the money will be generated to finance this hospital and its health care staff. I want you all to realise that this step is being taken in your best interests. The Health Services Authority was likewise opposed in this Honourable House but I believe it was opposed also because it was not taken as a national issue but as a political issue. That is regrettable. We are a very small country made up of people who almost all know each other and it is very unfortunate that we cannot set our priorities and go and live by them. I subscribe today, that health and education are the two highest priorities for any nation because if we do not keep a health society and an educated society we shall certainly crumble down the line. We all complain of the Cayman Islands is becoming such an expensive destination and you see what is happening in the United States. If we do not provide the primary health care facility in the Cayman Islands what is going to happen to us?

I would like to give you an example of how important proper health care facilities and service is to a tourist or a tourism related territory. And I do not think anyone today, one thing I would say would disagree that our two main legs of our economy is our financial industry, insurance and our tourism industry. I will give you an example of what took place in Cayman Brac back in the 1950s. Cayman Brac started to develop as a area where retired wealthy North Americans came to settle, build fairly nice homes with swimming pools and the like, with the intention of residing on an average of six months per year and we had members of notable families, the Duponts, the Pillsburys and the list goes on and on. This was going very good because they created employment for cooks, house-keepers, caretakers and the like and I was told by one of the old gentlemen, a Mr. Briggs, from Arthur and Lang Company in New York, that he felt Cayman Brac had great potential of developing like Palm Beach in the United States where millionaires would build mansions, while Grand Cayman, he envisaged, would be a Miami Beach type development.

It continued until suddenly one morning one of the retirees had a heart attack. The others came to the conclusion that had we have had health care facilities that he could have been taken to, possibly his life would have been spared. Within six months most of the houses were up for sale. Some were just locked up and our tourism dream or balloon or whatever you want to call it, just exploded. That is one of the reasons that we have lagged behind so badly in tourism because it was not until the people of Cayman Brac, realising the need for a hospital, but the Government did not feel they could take on the infrastructural responsibility at that time. The people, so different from what I have seen here today, we went house to house and all over the world we sent letters soliciting money to build a hospital to provide the care for our people.

I see people here today demonstrating against the hospital and it gives me great concern. Are they really realise how necessary a hospital properly equipped, properly staffed is and how rapidly Grand Cayman is developing, how much it is needed? Another example of how important it is when the Cayman Energy Limited came to Cayman Brac they a ship to ship oil transfer operation going off Cayman Brac and Little Cayman, they quickly realised that we did not have adequate medical facilities and they donated \$250,000 to put an expansion on the Faith Hospital in order that we could handle emergencies if they had arisen.

Foreigners look at all of these things very thoroughly when they come to invest in your country. Do you believe that the Hyatt Hotel and all of these major developments would ever have come to Grand Cayman and they will continue to come if we do not keep abreast in our developments? We are asking today for an \$18 million guarantee. If you realise that in the not too long past, we have made substantial guarantees to Statutory Authorities to provide sewerage which I supported 100 per cent because that again is very essential for the health of this country. I supported the Water Authority in Cayman Brac and also all its developments here in Grand Cayman because it is necessary. Why now are the people so opposed to the hospital? I cannot really believe, I cannot convince myself that is the matter of \$18 million that they are worried about. I contend it is an opposition for the sake of political pressure that is being placed on a lot of people. Today, we stand in this Legislature at a cross-road. We must decide whether we want the Cayman Islands to continue to be a successful tourism destination. Are the people of this country prepared to finance the infrastructural development that is necessary for its people first and foremost and also to keep the tourist industry alive.

I am hearing of a need to extend the runway at the Gerrard Smith Airport and maybe that is a necessity, but I caution everybody that will exceed \$18 million. That will not be done for less. So we are not going to scrap the hospital and get an airport extension and save money. We are not going to get a cruise ship landing and save money. I am prepared to look at anything that comes before this House and scrutinise it very carefully but we, again I want to say, we must prioritise the needs of this country. Briefly, I would like to speak on the needs of the addition to the Faith Hospital in Cayman Brac. I have spoken on this subject in this Honourable House on several occasions but since we have such a lovely audience today and I hope a large radio audience, I shall the opportunity once again to explain it.

It is easy in mathematics if we look at the Faith Hospital, presently we have a male and a female ward of three beds each and two private rooms, so a total of eight beds. But I would like to emphasise to the listening public in a hospital, you cannot just add up your total number of rooms because you have all different categories of patients with different types of ailments and disease, so you have to have a segregation. We have, as I said, a male ward and a female ward, each with three beds and two private rooms. Our hospital was designed, plans were given to us by a United States physician, who designed it on the American plan without an out-patient clinic. So when we leased it to Government and I would like to say that after

the Faith Hospital was completed it was leased to Government at 10 cents per year, and that lease has been a very successful lease, the Government has done a wonderful job in operating it and up-grading the facility over the years. But that is the reason today we have found that many of the facilities that we would have had in a hospital, like a recovery room and all the like, had to be taken over for treatment rooms, consultation rooms, pharmacy and the like. The hospital has become very difficult to function.

The addition which has been designed to be built on to the Faith Hospital, the expansion in my opinion is very necessary. I think it has been very carefully designed. A proper process has been gone through with the practitioners practicing on the Brac, the nursing supervisors and staff have all had input into it, including the Chief Nursing Officer here in Grand Cayman, who is responsible for the nursing staff in Cayman Brac as well and I believe in a non-professional judgement that it is going to be a very functional addition. The addition will include a male ward of four beds; a female ward of four beds; one pediatrics ward with two beds, (or a room with two beds); room number two also has two beds; there will be two private rooms; two patient observation rooms; a recovery room with two beds; plus an Intensive Care and ICU unit. So that will give us 18 beds plus the ICU unit, plus a modern birthing suite with all the associate facilities; nursing station; office lounge; kitchenette and there will be an addition to the parking which will give adequate parking for the out-patient clinic when the present wing that is now used as the in-patient and out-patient is converted to the out-patient clinic and the Administration Block, there will be sufficient parking to cope with them including the dental clinic. So, I want to say that a lot of thought has gone in to the planning of the Faith Hospital and it is quite possible if you look at our population as small as it is you will say that certainly a lot of these beds will be empty. And we hope that they will be, but the important thing is, as I said earlier, we are not able to ferry our patients to a metropolitan hospital by ambulance. We must cope with what is necessary there until we can transport them either to Grand Cayman or further afield for tertiary care.

I fully realise that the expansion of the Faith Hospital as I have just outlined was not going to be an investment unless the facilities in Grand Cayman are also up-graded. We will always depend on specialists care from Grand Cayman and also cases beyond the ability to be coped with at the Faith Hospital to be transported to the Grand Cayman Hospital. I contend that we must consider the Grand Cayman Hospital and the Faith Hospital in Cayman Brac as a unit. The Faith Hospital will not function efficiently without the proper support of the George Town Hospital. We all realise today that we are in a world recession. I do not want anyone within the hearing of my voice believe that I am not aware of that, but I also realise that this Government has a responsibility to you, the people, and I contend that it is far more essential that we provide the health needs of this country at this time than it is to talk about a road improvement programme that will cost hundreds of thousands of dollars. I think we can make adjustments in the needs as we go along but I am not at this time prepared to compromise the health of our people for something that will cost you 20 or 30 minutes late in arriving home or leaving home 30 minutes earlier in the morning.

I am not here trying to hit anyone, I am simply stating facts and stating my position which I always make it very clear. I would like now to touch briefly on something said by the Third Elected Member for George Town. But before I go into that I would like to thank the Third Elected Member for George Town and his colleagues, for the keen interest they have recently began to show in my district. I am very grateful for that. We always appreciate that. It certainly helps Cayman Airways. I appreciate their interest in Cayman Brac and my shoulders are broad enough to accept their criticism as long as it is just. During the last four years I have not had an easy time in this Honourable House but I have tried to represent the people of Cayman Brac and Little Cayman in this Honourable House since I came here in 1980, to the best of my ability and I shall continue to do that as long as I am privileged to be here. The people of my district know me, they knew me long before I ever got involved in politics so they do not consider me a politician and I certainly do not class myself as one.

The Third Elected Member for George Town that he was somewhat concerned that the people of Cayman Brac better take note that they were going to be responsible for paying a portion of the \$18 million if I supported the \$18 million hospital loan guarantee. I do not know at any stage in the history of this country that there has ever been any revenue separation. I do not know of any formula that has ever been established, maybe the Honourable Financial Secretary or someone else could help me with that, but I do not know of anything. I know if we are going to get \$1.5 million out of it, that is more than our pro rata of our population would be because that would only be about \$900,000, so I fail to understand. It just gives me a lot of concern.

The Third Elected Member for George Town is a very influential person in his team and I constantly hear that they will be the next Government and I wonder if it will be the policy of that Government if they are successful in their endeavors that they will separate the revenue and the revenue collected in Cayman Brac and Little Cayman will be the revenue that those two Islands are expected to survive on. That gives me a lot of concern as I stand in this House because that is less than \$1 million and our expenses there range with recurrent and capital close to \$5 million annually. So that will certainly be a great concern to the people of Cayman Brac and Little Cayman. I say to all of my people I hope you are as concerned as I am.

The Third Elected Member for West Bay in his budget debate last year, stood in this House and criticised me, he said that I had, and I thank him for giving me that credit, I had secured approximately 53 per cent, I think his percentage was, of the capital road vote for the Cayman Islands for 1992. Well from figures given to a Parliamentary Question by the Honourable Member responsible for Communications and Agriculture this morning, it shows that the Cayman Brac and Little Cayman has fared extremely well during the four year period under review, so I can only say that the First and Second Elected Member for Cayman Brac must have been doing something right.

I have listened very carefully to every word that has been said by each and every speaker that has debated or offered their contribution to the debate on this Government motion. I understand their concerns, I realise that they have a reason for what they have said but I would like to talk very

seriously to them and ask them, do they not believe that this country needs to provide the proper health care facilities for its people?

**MADAM SPEAKER:**

The House will be suspended until 2:15.

**AT 12:54 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:20 P.M.**

**MADAM SPEAKER:**

for Cayman Brac and Little Cayman.

Please be seated. Debate continues, the First Elected Member

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. Before the lunch break, I was attempting to explain the need for an improved health care facilities in these Islands and I want to impress upon the Honourable Members and the people in the Gallery and the listening public that as we talk about the need for improved health care facilities we are fully aware of the good able people that we have within the health care professions within the Cayman Islands but we realise they need facilities and equipment which to work in. We also realise that we must create accommodations and equipment of a sophisticated nature to cope with not only the needs of the indigenous Caymanian and residents here in the Cayman Islands but also for the tourists which we hope to continue to attract to these Islands.

We must also be prepared for an air, marine or natural disasters, certainly it is a hope of all of us that these will never happen but we do have the responsibility that we provide that we can handle them if they ever occur. This creates a great responsibility to us. We are in the shipping lanes and very often seamen, critically injured, near death are put ashore here in Cayman because they know we have facilities here and we must continue to keep that good name and improve upon it that we have one of the best health care facilities in this part of the Caribbean.

We have heard much that maybe the size of this hospital should be scaled down and what I hear the concern is from so many of the very influential people that I have had the opportunity to discuss this hospital with, then it is too many beds. Well I hasten to say that the cheapest part of the construction of this hospital is in the actual bed space. What makes a hospital expensive is the equipment that is within the hospital and all of the supply facilities that support the hospital, the diagnostic facilities and all of the support services.

It is a package and I do not believe it would really be good planning to reduce the number of rooms at this time only to find within a matter of a short period of time to talk about further expansion. We have proved that Grand Cayman has had a very rapid growth and we hope that it will continue to grow. We realise that the present George Town Hospital had a small beginning because the Island had a very small population. It had a dramatic and rapid increase in growth and because of that, as I have said before, there has been many additions to that present site so that from a planning stand point it had become almost impossible to stay within the planning parameters of the Development and Planning Law, to add further additions to that site, to say nothing about establishing a proper patient flow and all that is necessary to make the hospital function.

We, in Cayman Brac, are quite encouraged for recently a developer has applied for outline planning permission to construct, what to us, is a large hotel complex with condominiums. It will have 125 rooms, plus 90 condominium units and one of the things the developer quickly said to me in discussing it with him from a planning aspect, we are confident that this investment can be a success in Cayman Brac at this stage because with a planned expansion of the Faith Hospital the infrastructural development of health care facilities will be adequate to serve the needs of my clientele. I was happy to hear that because that has been one of the things that I said earlier has held back our tourism development.

I would now like briefly to refer to the Cayman Islands Medical and Dental Societies. Critique evaluation 2, and say that I have studied this very thoroughly, not being an accountant, like most of them, I am not able to really make a sound judgement on the financial projections. I have looked very carefully at all statements that they have made concerning the medical and surgical aspects of the hospital. On page 19 a statement here gives me great concern and with your permission I would like to read just one paragraph: "The Cayman Island Medical and Dental Society is disheartened to hear that the Health Authority plans to operate general practitioners clinics at the Hospital which could at first adversely affect private practice. We sincerely urge the Authority to employ only essential doctors leaving room for specialists and non-specialists private practitioners already established on the Island." Madam Speaker, this gives me grave concern because with the introduction of the National Health Insurance, the Plan that has been presented to this Honourable House and is now public throughout the Islands, we have seen that it will not cover completely the treatment of the private doctor. It is proposed for a \$25 consultation fee which will be adequate if the Government continues to hire private practitioners, so what we are really saying we are really catering to the more affluent of our society and not those that are really in need. That gives me concern.

In particular, I think of my own district. There is no private practitioner, no specialists of any field practicing in Cayman Brac. So if Government does not supply general practitioners at the Faith Hospital then the people of my district, both Cayman Brac and Little Cayman, will be without medical care. We will be going back to before the 1950 situation, probably with a district nurse. This cannot happen. I understand the concern of the society but my concern is for all the people, all the time.

We have a unique situation in Cayman Brac as all the listening public are aware. The First and Second Elected Member for Cayman Brac represent two Islands and they are

separated by 90 miles from Central Government and about six miles separates them by some of the deepest water in the Caribbean Sea. So it is indeed, a difficult district. We depend very heavily for all of our support services from Central Government and all the other departments here in Grand Cayman. We have our own district administration which functions quite efficiently but nevertheless, it is separated from Central Government. I am sure the Second Elected Member for Cayman Brac will agree with me that although during the last four years he and I have often times taken different political opinions, we have never disagreed with the needs of our constituents. If he hears that one has a need, he conveys it to me and I have reciprocated. We have a responsibility to the people there and we have tried to handle it as a joint commitment, a joint obligation.

I think the records show that the infrastructural development, recurrent expenses, and the capital projects that have been provided for Cayman Brac and Little Cayman, since the Election of 1984, Cayman Brac and Little Cayman have received a good portion of both recurrent and capital expenditures. I stand here today saying that my constituents, although separated by water, has benefited as much as they could and I am very grateful to the civil servants and to the Elected Government for their assistance to the people of my district. Madam Speaker, we will continue to hear much about all that can be done and should be done but I want, in concluding my debate here today, to say that I feel it is my responsibility to help to provide the infrastructural demands and prioritise them to the needs of all the people, not to the whims and fancy of the few. I have said before in this Honourable House, that we often find ourselves before a very vocal minority with a silent majority in the background and I think that situation still exists in the Cayman Islands.

Madam Speaker, as a closing thought, every person, every Member that has spoken so far, has expressed extreme concern of the demand this financial commitment is going to make on our Government. May I suggest that since this is a substantial commitment to our Government that the Honourable Members of this House consider setting aside 50 per cent of their salary to be paid down monthly or annually to the loan for this hospital, if you are so concerned about the welfare of this country, then put your money where your mouth is. Madam Speaker, that will show really how concerned we are about the financial welfare of this country. As a final closing thought, I would like to refer to Romans 13: 1, 2: "Let every soul be subject to the Government authorities for there is no authority except from God and the authorities that exist are appointed by God. Therefore, whoever resists the authority resists the ordinance of God and those who resist it will bring judgement on themselves." Madam Speaker, I have tried to show and to explain, as best I could, that we have a need for this hospital. I have tried to show where some of the funds can be provided and I support this Motion and I hope to see the hospital completed in the not too distant future.

Thank you, Madam Speaker.

**MADAM SPEAKER:**

The Honourable Member for Education, Recreation and Culture.

**HON. BENSON O. EBANKS:**

Madam Speaker, I support Government Motion No. 3/92. We have heard a consistent song from the Members on the other side of this House why this Motion should not be supported. In my view the true reason is the one given by the Third Elected Member for West Bay when he said that he has always opposed this project and he has no intention of supporting it now. I believe that is their collective position in a nutshell.

It has to be realised that when this hospital was first proposed, even if we accept on this occasion, not the many times before, when it was proposed that the world was not in a deep recession then, the finances of this country were still booming. So, all of this talk about supporting good health care facilities for our people, but not able to support it now because of the world recession is pure idleness and excuses, in my view. They are correct when they say that they never have and they never will support a new hospital as long as this Government proposes it.

It is like the airport terminal when the 1972 to 1976 Government proposed to build the terminal for some \$2 million. At that time it was said that a new terminal was not needed, that the one we had was adequate and quaint, it was an attraction to visitors. And what happened? As soon as there was a change of Government in 1976, plans were put entrain to build a new terminal which they eventually did for \$8 to \$10 million. And, as I understand it, a highly dysfunctional terminal it is. That has been the case with every progressive move in this country that has been suggested by anyone other than the Unity Team supporters. In the early 1970s when it was suggested that the Cayman Islands get their own currency what was the hue and cry? We are not going to do that because Warren Connolly and Benson Ebanks want to get their likeness on the notes! That was the cry. Fortunately, that prevailed and I do not believe it takes any genius to see what would have been our lot today had we not gotten our own currency in the early 1970s.

The same to-do with the Dock, the Administration Building, this building and the Courts building across. All criticised. It is recorded for posterity that their view was in 1972, and thereabouts, that the old Museum, the old Courts building which is now the Museum, if renovated was adequate for both the Assembly Chamber and the Courts building. Now, I want to ask, where in the world would this country have been had that advice been accepted? The Courts building has had to be expanded, this building has had to have modifications to cope with the increases. What would have been the fate of this country had we accepted that advice? According to them then, we were going to ruin the country by borrowing to finance it. The country was not ruined and I believe that 95 per cent of the people of this country today will admit that without the dock having been built, when it was built, and other infrastructural services put in that this country could not have developed to the extent that it has.

It has been said that the hospital project is being rushed. I do not know whom they are talking to. I do not believe there is any other Government project that has been in the pipe line as long as this one has. A new hospital or expanded hospital with 90 beds was first recommended by the Lewis Eaton partnership plan in 1973. At that time they recommended that we should have 90 beds, I think it was by 1990.



That projection was made in 1973. It is true that they presented a plan that, had it been followed the new facility could have been built on the existing site. But, it was the Third Elected Member for George Town, the Second Elected Member for Bodden Town and the Member for East End, who, when they were in Executive Council, went contrary to that plan in developing the site and ruined it so that the new facility could not be put there now. So I do not know what they are complaining about.

It is not surprising then that if from as far ago as 1973, some consultants recommended that we would need a 90 bed hospital in 1990, that the consultant in 1989, should recommend that we need 96. That is a pretty close merging of opinions almost 20 years apart. Again, in 1986 - 1987, Government intimated its intention to build a new hospital at that time. It was the same people then, as now, who said that it should be left to private interests to supply the hospital. Government said, "Go on", and have we got a hospital?

It is my opinion, that we will never get a proper hospital for this country until Government and unless Government builds it. It is my view that the people of this country cannot be denied proper medical facilities any longer just to support the selfishness of one or two people in the private sector. The 1983 Statistics from the Pan American Health Organisation for this region shows that the Cayman Islands is in 15th place, that is third from the bottom in a number of 17 islands and countries in the Caribbean when it comes to the provision of hospital beds for our people. We rank behind Montserrat, behind Dominica, the British Virgin Islands and the Turks and Caicos Islands. All of those, Madam Speaker. We have the worse facilities or the worse record except two when it comes to the number of hospital beds. Those figures are for 1983.

Since our population is increasing faster than most other islands in the Caribbean because of immigration, I believe that at this time we would be off of that list altogether, we would be so far down. Why should this be so when we boast of the highest per capita income in the Caribbean? We like to boast about that and here we are, 15th in the ranking on the PAHO chart for the provision of hospital beds. This situation, in my view, should not be allowed to continue when Government is advancing something like \$2 million or better annually to send Caymanians over seas and much of which advance is not likely to be recovered soon. Add to that, that in the Cayman Islands we have more tourists in comparison to our resident population than those islands with which we are compared on that chart. When we take that into consideration, we really see how impoverished we are when it comes to the provision of health care facilities for our people.

It is my view, that no Member can sit in this hallowed Chamber, or outside of this Chamber for that matter, and truthfully say that this country does not need better health care facilities. If they do, it is my view that they have not put the welfare of the people of this country first. I believe it is also recognised, and accepted, that these Islands would be better off economically if we could attract more permanent or winter residents, middle aged and over, to come here to reside. It would benefit the economy tremendously and our population can cope with that type of tourism. But, I wonder how in the world we can expect to attract those people when they refer to publications like that PAHO chart and see that we are at the bottom of that chart compared to the other Caribbean Islands when it comes to providing hospital facilities for our people and the tourists. What kind of reassurance is that?

As a previous Member said, what if there were some disaster, say at the airport, how in the world could we cope with such a situation with our existing facilities? And, people take that into consideration when they are choosing a destination to even visit, much less reside. I am saying we need a hospital and we need it now. The second most common objection to the hospital is the claim that we cannot afford to build it at this time. I want to explain that Government, as such, does not propose to build this hospital, that is Central Government is not going to take \$18 million out of the Government coffers or borrow it to build this hospital, it is the Health Services Authority which will build the facility and which will repay the loan out of the proceeds of the fees charged for services rendered.

The guarantee from Government that is being asked in this Motion is only an assurance that in the event that the Health Services Authority does not pay, then the Government will pay it off over time. But there is no reason to believe that the Health Services Authority will not be able to repay that loan over time. The financing arrangements, as I understand it, will include provision that there will be a moratorium on the repayment until the hospital is put in use. Some Members sought to convey the impression that the request for a Government guarantee in this case is unusual. That is pure mischief making. All borrowings by Government owned Authorities of any significance, are secured by a guarantee and in some instances a direct charge over the country's revenues. This is not an unusual request. It is the common ordinary procedure when an Authority is borrowing money.

The interest rates are the lowest that they have been in our life time so the cost of borrowing money will be low. The labour that the construction of this hospital will provide will put many of our people back to work and that cannot be any bad thing. The opposition says, wait until the economy stabilises. If that is their position, they obviously accept that there will be a turn-a-around in the economy and I believe that news and statistics world-wide supports that view. There have always been hills and valleys in the economic history of these Islands and in fact, of the world. The world and the Cayman Islands are going through one of those valleys now. If we sit down and wait until there is a full recovery in the economy the next valley will be on us before we get started again.

It is my view that it is best that we go ahead with this now and the added benefits which it will give will probably help us pull the economy locally out of the doldrums and the people of these Islands will have had the use of it in the meantime. What is more difficult to understand and reconcile than anything else is the position of those who say we cannot afford to build a hospital but in the same breath they say if you were going to build a cruise ship dock, which will surely cost at least \$30 million, or they say if you were going to extend the Owen Roberts Airport into the North Sound, which cannot cost less than \$24 million, we would support it. Something has to be wrong with that sort of reasoning or else the view is for some

selfish personal reason.

The other criticism of the project is that the site is wrong. Any site of 20 odd acres in Cayman, will need filling. It is my understanding that the general area was chosen because it was central and convenient to the highest density population areas; that Government already owned the land and would not have to find the money to buy it and then fill it, as we are doing in other projects. As somebody said yesterday, the Hyatt Hotel property, and I can name others, the Canal Point Development, the Yacht Club Development, these are all developments using similar type of land. Engineers have certified that this land can be put in buildable shape for the money that is proposed to be spent on it.

It is my view that the building of the new hospital is being opposed purely on political grounds. That is evident by the support which the opposition Members, the unqualified support which the opposition Members have given to the portion of the loan proposed to be used in Cayman Brac. The facility proposed for Cayman Brac with a population of 1,300 people is a facility of 18 beds and they say they are willing to accept that unreservedly. But they feel that 96 beds for 27,000 people in Grand Cayman is extravagant. Using the same ratio of beds to population, it would require 374 beds in Cayman to equate with that project in Cayman Brac. Yet, they say 96 beds is extravagant for Cayman.

If there was proof needed that this is pure politics, I believe that is the proof and having said that, let me hasten to add that I support the proposed work in Cayman Brac in the same way that I support the work in Grand Cayman. I support the new hospital here and I support the greatly enhanced hospital in Cayman Brac. I believe that that improved hospital in Cayman Brac is the last bit of infrastructure that is needed to allow that Island to take off and boom. I maintain that unless we do something about our own facilities, we are going to drop out of the notch which we have enjoyed up to this point. If one looks at that graph I was talking about awhile ago, it will be seen that places like Bermuda and Montserrat have three and sometimes a better ratio of beds to population than we have. This game, of vying and competing with other islands is all in the final analysis about the quality of life. If one is not assured of at least a hospital bed, then I do not know how we can tout the quality of life that we are offering in this Island.

Now, the fact that the proposed new hospital will be built by Hurlston Construction Limited, seems to provoke in most Members minds, including the Third Elected Member for West Bay, some irregular or irregularity between that company and this Government. The fact is, that up to this point, any contract that Hurlston Construction has been given by the Central Tenders Committee, I want to make that clear, those contracts are awarded by the Central Tenders Committee on which no Elected Member sits. In fact, one of the members is a competitor in the construction industry. It is my understanding that every contract that they have been awarded has been on the basis that they were the lowest bidder.

Now it escapes me how there can be any hanky-panky going on when the people get the contract because they are the lowest bidder and they are saving Government money. It would seem to me that this country owes a debt of gratitude to anyone who can save public funds. While I had nothing to do with the award of the contracts for the second phase of the West Bay Infant School, and the Community College, I can state that in each case, the work was top class and it was delivered on time and within budget. Those, that were at the official opening of the Community College, will recall that the representative from the European Community that provided much of the financing for the Community College commented on the high standard of work on the College and the speed with which it had been constructed. He said that it was the best project that he had ever worked on or been connected with in this area.

I hope that the baseless accusations made are not a case of coming events casting their shadows before them or the accusers measuring the coin of this Government by their ill-constructed and ill-measured bushels. But, I have no fear that the people of this country will be taken in by the rhetoric of those persons.

The Third Elected Member for George Town said that why Government has come to look for this guarantee is because the Health Authority has issued a contract for which they do not have money to fulfill it. That is rubbish and I am sure the Member knows better. No contract has been awarded. What has been said is that these people were the accepted tenderers and if and when the money is provided by an act of Parliament, which this Motion is, then the contract will be awarded. Nobody has awarded any contract. We have heard a lot recently here about the extent of Government's debts and Government's borrowings. I have also read about it in the papers attributed to the shepherd turn poacher. The truth is, the public debt of Central Government is only \$13,843,433.00. Self-financing loans, that is loans to Statutory Authorities such as the Water Authority, the Port Authority, the Civil Aviation Authority, the Agricultural and Industrial Development Board and the like, amounts to another \$23,346,699.000 for a total of \$37.19 million. Those figures include the balances on loans that date back to 1967. The self-financing loans are usually loans that were taken out before the Authorities became autonomous and now that they are autonomous the Authorities reimburse Government for those payments on their behalf.

At the end of the day, Central Government is responsible for payments only on the \$13.843 million and I believe that as long as the Authorities continue to operate properly as they are now doing, Government has no fear of ever having to pay anything on those. It takes only \$2.783 million or 2.2 per cent of local revenue to repay Central Government's loans annually. It takes another \$2.756 million or another 2.2 per cent of local revenue to finance the self-financing loans for a total of only 4.4 per cent of local revenue. It is generally accepted, even by the opposition in here that 10 per cent of local revenue is a reasonable and safe amount of revenue to have to commit to loan repayments.

The contingent liabilities is the largest of all of the figures at some \$73.04 million. This figure includes \$32.445 million as Government's liability against Civil Service Pensions and \$16.034 in Cayman Airways shareholders deficiency for a total of \$48.48 million out of the \$73 million. It is interesting that up until three or four years ago, this Government and its financial advisors at that time, were going

along happily without recognising that unfunded Civil Service Pensions were a charge on this country. It took the Elected Members here two years to convince them that that was the case. We wanted it done because we wanted to put the whole picture in front of the country and not just part of it.

I am not surprised to read that some new politicians consider that we have adequate schools and adequate health facilities and should not spend any money on improving them. I am not surprised. I have known that for a long time. But, we do need new schools. George Town Primary is busting at the seams and the school we are building in Red Bay was recommended to that individual and the Third Elected Member for George Town from as early as 1982. Nothing was done about it except they hid the report. Madam Speaker, my people, in my view, deserve nothing but the best and as long as I have anything to do with it, that is what they are going to get.

You know, Madam Speaker, it amazes me how inconsistent the opposition can be. On one hand, they read a letter from one Doctor Clarence James, who says that the people who compiled the figures for the new hospital were jokers because you could not project more than a year or two and then they put down that letter and they begin to flog the Health Services Authority and the Member for Health because he has not got projections for 20 years and because they are not carved in stone. I accept that projections are just that. They are projections and nobody can guarantee projections but if they have made reasonable assumptions then that is all anybody has ever been able to do with a project that is anticipated.

The figures that I have seen from the Health Authority includes an element of subsidy from Government for the first several years of its operation. I do not believe that anybody should be surprised to find out that the project is not self-financing in the first year or two. Or the first couple of years. I do not believe that anybody has ever suggested it would be otherwise. What is also obvious is that the cost to Government of providing medical services will be less in the future than it has been in the past. In 1991, that figure was \$11.9 million and Government has only given to the Health Authority this year something like \$8.4 million to operate the service. It is my understanding that the performance of the Authority looks on target or better. So I am suggesting that one should pay more attention to that performance than even to projections.

I see that the Third Elected Member for West Bay and the First Elected Member for Bodden Town, have gotten their wish for people to march over this guarantee. I guess this is their democratic right, but, I trust that they will also respect my democratic right to honour my responsibility to the people of these Islands, which is, to act in the best interests of all of them the majority, at all times. I support this Motion wholeheartedly. Thank you.

**MADAM SPEAKER:**

It would appear that there is no other Member who would like to debate this Motion. If not, I would... the Member for east End.

**MR. JOHN B. McLEAN:**

Madam Speaker, I could not allow this debate to close off without speaking on what I consider to be one of the most annoying motions that has ever come before this House against the wishes of the majority of the people of this country; a motion which has been brought here not only in a hurry, but it seems to have been brought in desperation because as I sat here and listened to the debate it seems as if there are many who can do no better than support this awful motion.

Before I get too far into my debate, let me make clear that I have always supported (and will always support) good health services for the people of this country - but within our means, not what is presently before us, something I believe would hurt the purse strings of even larger countries, much less the measly pennies that we have to deal with here in the Cayman Islands. It amazes me to hear the individuals who have spoken from our Executive Council, whom we know know better, stand in this Honourable House and tell this country today that this is a good thing when we know how bad our present financial situation is at this time.

The last speaker spoke on this country's debt position. I honestly wonder who he believes he has convinced? He certainly did not convince me, and I am sure he has not convinced the public because not too long ago we were told by another Member from Council that the figure was somewhere in the region of \$105 million. Yet this evening he is going to come as he always does to try to smooth off things and make the audience in the gallery and the general public believe that things are well. We are constantly told on this side of the House, reminded, I should say, that we are irresponsible. But, I honestly believe the irresponsibility is on the other side this evening. How can we continue to try to fool the people of this country? The people of this country know quite well that we need to continue to upgrade our medical facilities in these Islands, but within our means.

I have not heard anyone out there say that we should not try to improve the medical facilities in this country. Those I have spoken to are speaking of what we cannot afford in a \$18 million hospital. Let us be realistic. Some of the best looking homes in Grand Cayman today do not in any way solve the problems from within. We know as a fact that constructing this fabulous building is not going to give us the services we need. We have been told on the floor of this House by the very Member in charge that the people will still be required to go abroad for specialised treatment. Yet, we are told we are constructing a second hospital. Double the expense, Madam Speaker. For whom? The people of this country? They will be no better off once that is finished, than they were a few years ago.

I have heard much said with regard to the rooms at the present hospital being filled and individuals having to be taken to another part. I can stand here and say it happened to my mother-in-law only a few nights ago, but does that warrant my standing here and agreeing to a loan for \$18 million to build a facility that will sit there most of the time half empty? That is not common sense, and I have never been known to stand in this House to feather my own nest. So I just mention that for what it is worth to show that it is a very poor example to be used with regard to this huge expenditure that will be placed upon the shoulders of our

people. Let me say now that more than ever I was very much disappointed in the behavior that was shown here to the general public. The people who met us here today are the voters of this country, responsible men and women who have taken time off from their respective jobs to show their dissatisfaction with what is presently before this House. I was very annoyed to see the behavior of the present Member.

He walked in here this morning in a John Wayne style with a Stetson and cowboy-boots. I mean this is with disrespect to the public. What that is saying to the public is, 'I am showing you what I am doing.' I mean, how far are we going to take this? To go further, when we were asked to come outside, the Member refused to go. This is no way for us to conduct ourselves in this House as a representative of the people of this country. I say this without fear of favour because the Member has his right of reply and he can say whatever he wants against me. I have said what I have said, and I will stand by it. It was with disrespect to the people of this country this morning. The more I think of this issue, the more it opens my eyes the way it has opened the public's eyes.

A few days ago when I picked up the newspaper I read a letter that was directed at the First Elected Member for Bodden Town and myself, by somebody who considers himself famous in this country today (because the Members of Government makes them feel that way). I speak of somebody by the name of John Hurlston. Madam Speaker, I have spoken thus far on every platform in this country, speaking out against this unnecessary expenditure to the people of this country and if it displeases John Hurlston, or any other Hurlston, they can write or they can say it, but they have to kill this body because I will continue to speak out against this. I want to assure that individual that he does not intimidate me. As far as I am concerned, I have aired my concern over the contract which is presently awarded to Hurlston Construction. Contrary to what the Second Elected Member has said here this evening, and to use his own words, he said: "It was not yet a contract, it was just some acceptance of a tender from a company." A rose by any name is a rose, but let us all wait and see the end result. Let us see then who will get the real contract! My opinion is, you will not see any changes. I am sure with the celebrations that I have heard over this contract that somebody knows that it will be Hurlston Construction.

I am certain that when I speak, I can speak on behalf of the First Elected Member for Bodden Town. We have not been intimidated by that letter and both of us shall continue to speak out against this unnecessary spending of Government funds. You know, what is even worse is to hear the last speaker stand here and try to paint such a beautiful picture of the way that Government has handled contracts in the past. Yet, we know that a contract of this magnitude has not been awarded through the Central Tenders Committee. What is he trying to play? Yet, we are being accused of using this matter politically? Dear God, Madam Speaker. It is a good thing the Lord is not like man because I think that many times a lot of these people would be choked each time they opened their mouths.

We are told so much as to why Government has decided that Hurlston's Construction is the chosen one. We well know this will not be done for the love that we have heard about. We know it is going to be done for money because regardless if it is Hurlston or any other contractor, they are in business for one thing and that is to make money. Let us look at those who are employed by Hurlston Construction. How many Caymanians make up that construction company? I hope that the Member in his reply will also answer that. But, you know, it is a hurtful situation when a country is committed against the majority of the people because of four Elected Members of Executive Council, and under collective responsibility the three poor Official Members, well knowing that they will have the vote of Captain Mabry Kirkconnell on this side. It is a ridiculous situation and I trust the hand of God will be in this Election to clean up the mess this country is presently faced with. We are told so much with regard to why this contract was given in the direction it was.

I still stand to question why did companies like Hadsphaltic and the others come so far from the figure that Hurlston Construction is telling us they can build this hospital for? My understanding of the reason given is that they gave figures on what was put before them. I ask the question: Were the same requests made of the other companies? Or, was a different request put to Hurlston Construction? The Member went as far as to say, we (the Backbenchers) did not like Hurlston Construction. Let me say now, when I come in here (and I hope that all other Members would be like me) I leave my friends on the outside. I stand in here for what is best for the Cayman Islands and not for any one construction company or any one individual. So when I come in here, I do not have to love any John Hurlston or Hurlston Construction. I speak for what is right for this country and its people. This time I think what is before us is bad, bad, bad for this country, and that is why I am speaking out the way I am.

We have before us three reputable banks. When I think of the three banks that are involved there, it really leaves me to continue to think of what is going on in this country. Are they really in this country for the love of the Cayman Islands? Or are they here only for the bucks which they will take away from us? I must say now that I am very much surprised to know that three banks (like the ones mentioned who will be prepared to give this loan) would become involved prior to knowing that a guarantee had been issued by this Legislative Assembly for such a loan. I honestly think that they have been very negligent in taking such action. Again, I say this without fear or fear of contradiction from anybody: It does not matter to me, John McLean, what is said after I sit down, because what I have said here now, I stand by. I honestly think that more thought should have been placed into this because like all other persons in this country the bankers know quite well the stand which the public has taken on this matter. So it is no excuse for taking the stand which they have taken.

I would say that some of the larger businessmen in this country have also spoken to His Excellency the Governor and our present Executive Council along with speaking to the banks. Again, I am very much dissatisfied to know the manner in which these gentlemen, who have actually built this country and continue to do so, have been treated. I think that His Excellency the Governor and our present Executive Council have been quite unreasonable in not meeting with the individuals who have put forward this request. I am certain that the minute that this letter arrived at the Glass House, a decision was taken and His

Excellency was advised by Executive Council as to the stand he should take on this matter. I am not here this evening to say to the people of this country that they should enter into any means of violence because it is not my way and it is not the way of the Backbenchers. But what I am here to say is that they should stand up for their rights. They must stand up and let the people in this Chamber realise that they were put here (the Elected representatives) by the votes of the public and that when they are dissatisfied with something they should adhere to their wishes. I noticed today that some people must have been scared of the public, that is why they stayed in the Chamber. But, it is very bad when you put yourself in that position. It is very bad when you put yourself in a position where in your own country, in your own Parliament you are scared of the public. Go and face the people. They are your people, as they are my people. But, it is no use hiding after the damage has been done. Face reality and come out and tell the people exactly, or listen to what they have to say to you.

Much has been said with regard to this hospital site. We know that regardless of what we say in here or anywhere else, it will not change things because of the extension cord in this place. But let me say, regardless of what any Member of Executive Council may stand in here and say, it is my opinion if they had properly looked in this country today they could have found better property to construct a hospital on. We cannot compare a hospital to Hyatt or to the airport. We are dealing with a building that will house the sick people of this country. From the time when I was a boy I have always heard that in wet areas it is dangerous to the health of some people. Can you imagine taking individuals who are already sick and placing them in an area such as the swamps? It is ridiculous when we hear such comparisons.

I heard a Member stand here a few days ago and describe where the Airport is built as being one of the worst ponds in the country. But the only thing that I know runs on that (or lies on it, or sits on it, regardless of what you want to call it) is airplanes, I never heard about one of them taking cold yet! Can we say the same about the people? Furthermore, there is no comparison because I have spoken to individuals who have worked on that airport when it was being constructed who told me that there was one area that was real bad - not the total area. So why are we pulling all of these references to blind the people's eyes? Who are we fooling? We are fooling ourselves.

The people out there know better and I am pleased to say today to those who have taken the time off to come out here and show that they are prepared to stand up for what is right in this country, thank you for coming. Continue to come and stand up for what you know is right for yourself, your children and your grandchildren. The Backbenchers voted funds to upgrade the present facilities at the George Town Hospital. If we were the type of animal that we are being called by Executive Council (who have no regard for the people of this country) would we have taken monies from the funds from the people of this country to put aside to upgrade facilities? I say no! But what was wrong was the fact that the funds were voted to upgrade the facilities and as we quite know they were utilised to bring in experts to advise on the new hospital. That is what was wrong!

I honestly believe that as we look at the present facility known as the George Town Hospital with the upgraded Dental Clinic and the Eye Clinic we can be justly proud of these improvements. As I see it today this will help individuals who had to catch that flight from here, Miami, or wherever they may be sending them for specialised treatment. This is what we need locally. Why are we continuing to spend time tearing apart somebody who is trying to build a private hospital? Does that put this action of \$18 million right? No, it does not! It does not put it right! I support the idea of somebody building a private hospital. Let them go ahead. That is their business and it is the business of the public if they feel like going there and paying whatever is charged. But we, as a Government, must upgrade our facilities within the means of this country. Not to say that we have this enormous building with x amount of rooms and the people cannot afford to go there. We cannot afford to do this to our people. This side of the coin should be put forward. The people are already crying over the high rates that the present Member has put in place at the George Town Hospital. As a matter of fact, this morning I had someone run up to me with a piece of cardboard paper with a couple of numbers scribbled on it which I understand now is the system that they have instituted there for the patients when they arrive to know their docket numbers. A piece of cardboard with all of the millions we are throwing around in this Government. How ridiculous can we be?

It seems to me that we should be concentrating more on specialised units at our hospital. How often can we honestly say that somebody does not have a bed to lie in. This does not occur everyday. It is my understanding that even if the present beds are filled within the ward, some other arrangements are being made whereby the patient was still allowed to stay within the facility. So why do we continue to cry down the present facility when the same people who are crying wolf have done little or nothing to improve it? With due respect, the Second Elected Member of Executive Council has held that Portfolio longer than anybody else. What can he honestly say he has done to that facility? He is always prepared to jump on the Third Elected Member for George Town and to say what he did not do, what he has done. What has he honestly done?

With due respect, I have to give the Third Elected Member credit because he has tried in certain areas. I cannot say the same for the Second Elected Member but he is always the one to jump up and to cry down other Members when he has held that Portfolio term and term again and we see no improvements. There is a saying which I will not quote because I know that you in your capacity can rule me out of order. It is about a little monkey, we all know it. The more you climb something - I am not going to say anymore. I still say we do not need a prestigious building, we need to change attitudes within the present facility. We need to improve our present facility within the means of our people. Regardless of what has been said with regard to public debt of this country, we know that financially our country today is not in the best standing and we know that we have other pressing issues which we have to address that are already a reality, such as Cayman Airways. Why should we continue to commit, commit, commit this country? It does not matter if it is the Health Authority or what Authority. Once Government gives that guarantee it is the people of this country and I stand here to say that this action is incorrect and it should be reconsidered.

A few weeks ago I felt relieved when I heard a certain report of

the Fourth Elected Member of Executive Council. I was very pleased to know that this was happening, but I challenge that Member this evening as a Member who knows what his people in this district of George Town wants through a poll that was taken. I challenge him to vote his conscience on this bill. If he, in his good senses as I know he has because I highly respect that gentlemen, and I know he knows right from wrong. I challenge him and I feel certain the public would stand behind him to walk this floor and come on this side. That is the key to it. Where will the other vote come from then? At the same time, let me say that he should realise that the people of this district want him to do something and if he is prepared to go against the wishes of the people to suit his colleagues in Executive Council, then he will have to face the consequences. As simple as that.

I still say, why should these beautiful Islands and the people of this country be burdened further because of four Elected Members in Executive Council, three Official Members and one extension cord on this side? It is most ridiculous. I know that the Governor of this country has certain reserve powers, but we also know that it is useless calling on him. We well know that he is a part of this. I am most happy to hear that he will soon be going and I am hoping that the Lord will give me the strength. . .

**MADAM SPEAKER:** Could we have some order in the Gallery, please? I have already said that if there is a disturbance I will have to clear the Gallery. People are not allowed to make any noise.

**MR. JOHN B. McLEAN:** . . . I hope the Lord will give me the strength to bid him farewell.

**MADAM SPEAKER:** Honourable Member would you take a suspension at this time?

**MR. JOHN B. McLEAN:** Yes, Ma'am.

**MADAM SPEAKER:** The House will be suspended for 15 minutes.

#### THE HOUSE SUSPENDED AT 3:57 P.M.

#### AT 4:15 P.M. THE HOUSE RESUMED

**MADAM SPEAKER:** Please be seated. The Member for East End, continuing the debate.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. The Member who spoke before me also mentioned PAHO, with regard to where our present hospital falls on some list of other territories. It is my opinion that much has been done to force our hospital to look worse than other hospitals, to push our hospital into the ground to prove a point to the public and to justify the construction of a new hospital. It is my belief that that is why much more was not done to upgrade our present facilities at the present George Town Hospital.

Another reference was used with regard to what would take place should we have an accident at the airport. I never in my borne days have heard more foolish examples than what I have heard today. I would like any Member here to tell me what country within this territory is properly equipped whereby if we were to have a fatality at that airport with a large aircraft with lots of people that they would have a facility to take care of each individual at one time? It is utterly impossible to believe and is a very poor example to use. We can talk about earthquakes or hurricanes but other countries have earthquakes and hurricanes and plan crashes and they are able to cope with it, not under one roof as is being proposed here. But other shelters have to be established as emergency shelters. So how much more are they going to try and fool the public?

I do not believe we would ever be able to construct a facility big enough for this, as I pointed out and to have it properly equipped. Before this slips my mind, I have to touch on something which was so ably put by the First Elected Member for Cayman Brac, Captain Mabry. I have for a long time known Captain Mabry and held him in high esteem. But the man I am knowing today is not the one I knew before. I sat here today and listened to his contribution and the way that he somewhat prefaced his debate with regard to us, the Backbenchers coming to his Island And to his attack on the Third Elected Member for George Town with regard to his influence in the group.

I would like to enlighten that Member that the Third Member for George Town, while one of my closest friends, knows quite well that he and I discuss matters like men and we respect each others decisions. He does not have an influence on John McLean. Neither does he have any special influence on any other Member of the Backbench. Can we honestly say that of Executive Council with regard to him? I will leave that question for him to answer.

Let me enlighten him to one thing. Yes, I was a part of this Backbench group as we are called who came to Cayman Brac, who held a public meeting and who, was quite respectful to him taking into consideration what he has been doing to his people in this Legislative Assembly, especially with matters like this hospital. If he believes that that little trip has helped Cayman Airways, let me give him the assurance this evening that they are going to have much more help because I plan to make many more trips to that Island before this Election comes up. I am sure my colleagues will also be there. So, Cayman Airways will have a lot of help.

I heard that Member quote scripture in this House this evening. A few nights ago I had an opportunity to go to a church service which I enjoyed very much. It was a crusade of the Seventh Day Adventists and I heard a preacher preach the true Bible. I would invite Members, like the Member who was quoting scripture here today to speak to preachers like that one because his soul needs redemption. He is quoting the wrong parts of scripture. He should further read his Bible and confess what his lone vote is doing to this

country and the people of this country and then he will have a place to stand here or any other part of this country and quote scripture. With regard to giving 50 per cent of our salary. I would tell that Member that this Member has been in this Chamber from the days when we got pittance to attend meetings, and even had to wait then sometimes to get it. What I earn today I have worked for. I have a record that I can look back on. I have always listened to my people, I have always tried to exercise my better judgement, like I will be doing on the present motion before this House and I invite him to say the same.

It is not an easy time in this Honourable House for anyone. He has not been here any longer than me. As a matter of fact, if I remember correctly I have been here four years over him. It has not been easy for any of us. He has been crying that it has not been an easy time over the last four years. Life is - and you know the term that is used, again I know Parliamentary procedure so I will not be quoting it. But what is wrong in his case? Some of the hard times and hardships and hard words that he has received here is as a result of the stands which he has been taking with issues that he knows well is not to the betterment of this country. Self-inflicted, Madam Speaker. That Member well knows that the result of the Motion which is presently before this House is entirely into his hands. He knows quite well that his vote will decide yea or nay with this Motion. He is a sensible man who knows until today by the people of this country that it is something they cannot afford and do not want at this time. So since he continues to tell us of his love for these beautiful Islands and country over self, he has an opportunity to demonstrate it to us whenever this goes to a vote.

I feel about that vote the way I feel about this hospital contract and as I said earlier, a rose by any name is a rose. I feel that when the final contract is given we will see no different name than we are hearing about today. It is my honest belief and opinion that the same will be of the vote of the First Elected Member for Cayman Brac. He also alluded to talk about the Third Elected Member and the separation of revenue. To be frank, I believe he said he believed that the Member was advocating the separation of revenue Cayman Brac/Grand Cayman, If this group had formed the next Government. I want to tell that Member it is my hope that the hand of God will be in the next Election. It is my hope that I will be a part of the new Government. I would like to tell him that my love today for Cayman Brac and Little Cayman is as good as it was when I entered into this Legislative Assembly because I have always thought of those Islands as a part of the Cayman Islands and no way would I ever and I know there is no-one within my group who would ever have such a thought. I wonder if that Member is suggesting to his people something that he may have on a later agenda?

The Third Elected Member for George Town was quite clear in what he said. Like myself, and other Backbench Members on this side, we are saying that we believe that the right way to have brought this Motion before this Legislative Assembly was to have brought it in two parts - one for the Sister Island, one for Grand Cayman because we as a Backbench, supports the \$1.5 million for Cayman Brac and therefore we would have rather have had an opportunity to put a clear cut vote with regard to that motion. That was the point the Member was making when he referred to separation. Why should this Member with all the many gloomy pressing things around him elude to saying something like that.

**MADAM SPEAKER:**  
within a few minutes?

It is now 4:30 Honourable Member. Would you be finished

**MR. JOHN B. McLEAN:**

No, Madam Speaker, I would like a little more time.

**MADAM SPEAKER:**

Thank you, I will ask for the adjournment.

### **ADJOURNMENT**

**HON. J. LEMUEL HURLSTON:**  
now adjourn until 10 o'clock tomorrow morning.

Madam Speaker, I beg to move that this Honourable House do

**QUESTION PUT:**

**AGREED.**

**AT 4:30 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00  
A.M., THURSDAY, 2ND JULY, 1992.**

**THURSDAY  
2ND JULY, 1992  
10:06 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, 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 in the Legislative Assembly are resumed. Questions to Honourable Members. Question No. 113, standing in the name of the Elected Member for East End.

**QUESTIONS TO HONOURABLE MEMBERS**

**THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE**

**NO. 113:** Could the Honourable Member say how much it will cost to duplicate a department such as technical studies at the Cayman Islands High School where much equipment is utilised?

**ANSWER:** The Technical Studies Department of the Cayman Islands High School occupies about 6,000 square feet. Assuming that any similar facilities are non-existent, the replacement cost of equipment is estimated at about \$220,000.00.

**SUPPLEMENTARIES**

**MADAM SPEAKER:**

Supplementary, the Elected Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could tell us if the figures which he has quoted to us, was as a result of an estimate given and by whom?

**HON. BENSON O. EBANKS:**

Madam Speaker, this was as a result of pricing the equipment at the Cayman Islands High School. That is, estimating its replacement cost.

**MADAM SPEAKER:**

The Elected Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. If I am to understand the Member correctly, what he has given me is what presently exists at the Cayman Islands High School. I am asking in my question what it will cost to duplicate it? What I am driving at, for example, at the Middle School where we will have to duplicate it, will it be the same square footage or will it be more, and what will it cost?

**HON. BENSON O. EBANKS:**

Madam Speaker, it is proposed to build a purpose-built building of 6,500 square feet at the new High School, where the Middle School is now. The equipment is estimated to cost only \$140,000 because some of the equipment at the Middle School now will still be serviceable.

**MADAM SPEAKER:**

The Elected Member for East End.



- MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member say whether what he has just told us, as regard to what will be built, is in keeping with what has been proposed and what has been recommended, as necessary at the Cayman Islands Middle School building?
- HON. BENSON O. EBANKS:** Yes, Madam Speaker, that is what is considered necessary to implement the programmes.
- MADAM SPEAKER:** Supplementary, the Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Thank you. Could you give us what the cost of this building is going to be because the question, as I see, was wide enough that it could cover equipment and building?
- HON. BENSON O. EBANKS:** The Public Works Department estimates the cost of the building at about \$100 per square foot. Of course, Madam Speaker, if one is going to be technical, one would have to deduct the cost of existing buildings at the school as these will be used for other purposes.
- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us how many students are expected to be housed in the areas which he has given and whether or not this will be fitted within one floor, or will it be spread over two floors of the old Cayman Islands Middle School?
- HON. BENSON O. EBANKS:** Madam Speaker, I do not anticipate that any children will be housed in this block. They will go there as and when they are going to do the technology subjects. At some period all of the children will pass through this building. I am not in a position to say at this time whether the building will be one or two stories. I have not seen the plans yet. What I have is the total square footage required.
- MADAM SPEAKER:** The Third Elected Member for George Town.
- MR. TRUMAN M. BODDEN:** Could the Member say whether he is certain that this is 6,500 or 16,500 square feet? And whether there had been any requests for a building of that size?
- HON. BENSON O. EBANKS:** Madam Speaker, the substantive answer pointed out that the technology department at the present High School is 6,000, so I would assume that 6,500 square feet in a purpose-built building is right on, and there has been no formal request for this building, but naturally the School and the Implementation Unit are working up the requirements as we go along and this is what is anticipated to be needed.
- MADAM SPEAKER:** The Elected Member for East End.
- MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could say whether or not it is correct that the present facility has not been adequate in size?
- HON. BENSON O. EBANKS:** Which facility is that?
- MR. JOHN B. McLEAN:** The facility at the Cayman Islands High School.
- HON. BENSON O. EBANKS:** No, Madam Speaker, I think the facility there is adequate in size.
- MADAM SPEAKER:** The next question is No. 114, 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. 114:** Can the Honourable Member tell this House the number of medical cases which have been referred to the United States of America or Jamaica since January 1992, and the different types of ailments involved?
- ANSWER:** There were 78 patients sent abroad for medial treatment since 1st January, 1992, to 12th June, 1992.
- HON. D. EZZARD MILLER:** Madam Speaker, unfortunately the latter part of that question which deals with the different types of ailments I submit, is covered by medical confidentiality and cannot be given.
- SUPPLEMENTARIES**
- MADAM SPEAKER:** Supplementary, the Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I will accept what the Member has said with regard to the last part of my question. A supplementary, could the Honourable Member please tell us exactly what was the cost incurred with regard to the cases he has mentioned?

**MADAM SPEAKER:** Honourable Member, I think the following question asks the cost per patient, which would be about the same thing, if you are satisfied with that. The Elected Member for East End.

**MR. JOHN B. McLEAN:** All right, Madam Speaker, I will hold that supplementary for later on. Could the Member please tell us if any cash deposits were asked for, prior to these individuals being sent abroad?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could he further say if it is correct that in certain cases there have been individuals who are unable to put a cash bond and if he could please enlighten the House as to what took place with regard to those cases?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, that is correct and they simply sign a promissory note.

**MADAM SPEAKER:** The next question is No. 115, 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. 115:** Could the Honourable Member state the exact cost per patient sent abroad for medical reasons since January, 1992?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, in the interest of confidentiality again, numbers have been used in the answer, as opposed to actual patient names and the list is 78 numbers long. The number of referrals were 78 and the total cost was \$493,377.29. The written answer includes the individual cost of each of the patients.

**ANSWER:** Overseas referrals for patients from 1st January to 12th June, 1992:

Patient	Referral Date	Amount Spent
001	14th January, 1992	12,640.45
002	15th January, 1992	21,431.98
003	15th January, 1992	43,123.52
004	21st January, 1992	6,050.68
005	22nd January, 1992	11,306.51
006	24th January, 1992	13,411.50
007	29th January, 1992	153.43
008	6th February, 1992	967.12
009	11th February, 1992	9,295.82
010	12th February, 1992	30,812.04
011	12th February, 1992	5,734.11
012	14th February, 1992	116,848.06
013	21st February, 1992	2,716.72
014	3rd March, 1992	5,222.91
015	16th March, 1992	11,398.99
016	18th March, 1992	13,263.99
017	24th March, 1992	10,376.94
018	31st March, 1992	31.31
019	9th April, 1992	1,321.97
020	22nd May, 1992	No Payment Made
021	22nd May, 1992	No Payment Made
022	22nd May, 1992	190.43
001	3rd January, 1992	863.66
002	3rd January, 1992	934.22
003	15th January, 1992	957.33
004	15th January, 1992	1,250.16
005	20th January, 1992	1,181.58
006	20th January, 1992	10,843.92
007	27th January, 1992 x 2	21,545.79
008	27th January, 1992 x 2	72,131.19

2nd July, 1992

Hansard

009	28th January, 1992 x 2	17,148.40
010	30th January, 1992	1,162.61
011	12th February, 1992 x 2	1,444.85
012	12th February, 1992	1,503.25
013	20th February, 1992	1,183.79
014	20th February, 1992	191.22
015	25th February, 1992	8,356.70
016	25th February, 1992	893.76
017	26th February, 1992	2,272.93
018	10th March, 1992	4,471.52
019	11th March, 1992	584.59
020	12th March, 1992	1,330.80
021	13th March, 1992	271.89
022	16th March, 1992	1,265.04
023	16th March, 1992	340.12
024	19th March, 1992	372.12
025	19th March, 1992	700.89
026	23rd March, 1992	5,580.91
027	30th March, 1992	265.44
028	31st March, 1992	5,168.55
029	31st March, 1992	No Payment Made
030	6th April, 1992	366.72
031	6th April, 1992	4,975.32
032	14th April, 1992	162.96
033	14th April, 1992	265.44
034	15th April, 1992	835.85
035	21st April, 1992	474.05
036	24th April, 1992	265.44
037	29th April, 1992	745.92
038	14th April, 1992	852.72
039	14th April, 1992	793.92
040	14th April, 1992	793.92
041	15th April, 1992	265.44
042	6th May, 1992	265.44
043	13th May, 1992	751.31
044	13th May, 1992	No Payment Made
045	14th May, 1992	No Payment Made
046	20th May, 1992	No Payment Made
047	18th March, 1992 x 2	No Payment Made
048	21st May, 1992	347.83
049	21st May, 1992	No Payment Made
050	21st May, 1992	No Payment Made
051	20th May, 1992	No Payment Made
052	13th May, 1992	No Payment Made
053	27th May, 1992	No Payment Made
054	7th May, 1992	No Payment Made
055	14th May, 1992	265.44
056	22nd May, 1992	168.42
		265.44

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 493,377.29
 

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**SUPPLEMENTARIES:****MADAM SPEAKER:**

The First Elected Member for West Bay, supplementary.

**MR. W. McKEEVA BUSH:**

these cases were cases that were referred to the Cleveland Clinic? Thank you, Madam Speaker. Can the Member say whether

**HON. D. EZZARD MILLER:**  
included in this.

Yes, Madam Speaker, cases to the Cleveland Clinic would be

**MADAM SPEAKER:**

The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

any checks made to see whether any other institution could have provided services as reasonable or better, as far as cost is concerned? Madam Speaker, thank you. Can the Member say if there were

**HON. D. EZZARD MILLER:**

No, Madam Speaker, we have a contract for the total services

with the Cleveland Clinic and unless the patient has been treated for some time by a different physician somewhere else in South Florida, the requirement is that the referral is to the Cleveland Clinic.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Could the Member tell the House why on the list showing the referrals there are some sections which say, "no payment made"?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker. That means that we have not yet received a bill for those individuals and in most cases they were the ones that did not go to the Cleveland Clinic.

**MADAM SPEAKER:** The Elected Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Taking into consideration the answer given, you have just cleared up one part of my query. Could you please explain to us what portion of the other bills will have been paid up-front to the Cleveland Clinic and recouped from the individuals whom you have sent abroad?

**HON. D. EZZARD MILLER:** Madam Speaker, no bills are paid up-front to the Cleveland Clinic, in other words, prior to service. What normally happens is if somebody needs to go overseas for tertiary care, the clinical judgement is made and a referral is decided on a clinical basis whether the person needs to go or not to go, then the social worker gets involved to determine whether the person has health insurance or the person has the means to pay.

If the person does not have the means to pay, they then come to the Portfolio and they are covered under the overseas medical vote and they either put up a cash deposit, sign a promissory note and they go and they get their treatment. When they come back and the total bill is received, they are invited back to the Portfolio and an agreement is made for a repayment schedule interest free on the monies that were spent on the individual. In some cases some kind of security is asked for and a charge is registered.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Is the Member aware that tertiary care, and I will use the by-pass surgery, at Cleveland Clinic costs much more, in some instances double, than what it costs at other medical institutions in Miami, for instance, at Cedars of Lebanon?

**HON. D. EZZARD MILLER:** No, Madam Speaker, I am not aware of that.

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

**MR. W. McKEEVA BUSH:** Madam Speaker, does the Member not recall that this was pointed out to him several times in questions here in the House?

**HON. D. EZZARD MILLER:** Yes, Madam Speaker, an attempt was made to portray that position. The bills have now been received for hospital charges by my Portfolio, and the hospital charges alone are substantially less than the agreed costs for by-pass surgery from the Cleveland Clinic.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you. Is the reason why you cannot answer whether. . .

**MADAM SPEAKER:** Honourable Member would you please address the question to the Chair, rather than to the "you" Member, please?

**MR. TRUMAN M. BODDEN:** Madam Speaker, through the Chair, is the reason why the Honourable Member is unable to answer why it is cheaper at other hospitals because he granted the contract to the Cleveland Clinic without having bids or having competitive figures from other hospitals?

**HON. D. EZZARD MILLER:** Madam Speaker, first of all, I do not accept or have any proof that it is cheaper. We are presently getting 1989 prices at the Cleveland Clinic, plus discounts for early payment and rebates on certain breaks, up to as high as 15 per cent on volume. Pending, Madam Speaker, permission from the individual involved, I will table the bill referred to and Honourable Members can see for themselves what the hospital cost per day is and what the medications, etcetera by the hospital are.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Through you, is the Member unable to say why it is cheaper because he has no comparative figures from any other hospital before he entered into the million dollar a year contract with Cleveland Clinic?

**HON. D. EZZARD MILLER:**

telling him it is not cheaper and we have records in the Portfolio of many cases prior to 1989, and since 1989, that demonstrate that the Cleveland Clinic is cheaper. Madam Speaker, the Member is grossly misinformed. I am

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

correctly then, that presently the only clinic that is used is the Cleveland Clinic? Thank you, Madam Speaker. Am I to understand the Member

**HON. D. EZZARD MILLER:**

some patients who have been taking on-going treatment from physicians at Cedars of Lebanon or Baptist or Tampa General for that matter, those patients are allowed to continue their treatment with that physician. No, Madam Speaker, that is not the position. In the instance of

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Member, did you go out for bids on this million odd dollar a year contract? Thank you, Madam Speaker. Through you to the Honourable

**HON. D. EZZARD MILLER:**

Stores Regulations to tender such a contract.

No, Madam Speaker, there is no requirement in Financial and

**MADAM SPEAKER:**

The First Elected Member for West Bay.

**MR. W. McKEEVA BUSH:**

Member state categorically that a by-pass at Cleveland Clinic cost less than it cost at Cedars of Lebanon? Thank you, Madam Speaker. For the sake of clarity, can the

**HON. D. EZZARD MILLER:**

patient, Madam Speaker, I can state that with the evidence I have in my Portfolio. Physicians can cut deals with anybody at any level. In terms of the agreed price and the hospitalisation of the

**MADAM SPEAKER:**

this the last supplementary on this question.

The First Elected Member for West Bay and I am going to make

**MR. W. McKEEVA BUSH:**

about overall costs, hospitalisation, doctors costs and the entire cost of the operation. That is what I want a categorical answer from him on. Even if a doctor can cut a deal, then perhaps the Member should pursue that reasoning so that the country gets a better rate because this is exactly what happened in this case, Madam Speaker, for the Member's information. Thank you, Madam Speaker. Madam Speaker, I am talking

**HON. D. EZZARD MILLER:**

which are normally fixed and published costs, I can state that. I cannot state what a physician decides to charge his or her patient. That is a private matter between the patient and the physician. And, Madam Speaker, I do not necessarily regard a physician who puts his fees into a bidding process, and varies it according to the patient, quality medical care. Madam Speaker, I said in terms of the hospitalisation costs,

**MADAM SPEAKER:**

Elected Member for Bodden Town.

The next question is No. 116, standing in the name of the First

#### NOTICE TO WITHDRAW QUESTIONS NOS. 117 AND 118

**MR. ROY BODDEN:**

request permission of the Chair to withdraw Questions Nos. 117 and 118 standing in my name as I believe that the answers were given yesterday in similar questions and it would only be redundancy now. Thank you, Madam Speaker. Before I ask this question, may I

**MADAM SPEAKER:**

I accept that.

**MR. ROY BODDEN:**

Thank you, Ma'am.

#### THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

**NO. 116:**

Would the Honourable Member say what are the contingent liabilities of the Cayman Islands Government as at 31st March, 1992?

**ANSWER:**

Madam Speaker, the contingent liabilities of the Cayman Islands Government as at 31st March, 1992, are as follows:

**Cayman Airways Limited**

Guarantee to the Company's principal bankers (Royal Bank of Canada) for a line of credit \$5,000,000

Guarantee to Royal Bank of Canada to cover general debts and liabilities 2,000,000

**Cayman Brac Power & Light Company**

Guarantees in connection with the purchase of 1000KwH generator for 5 years at 8 1/4 per cent interest. This guarantee with Cayman National Bank and Trust Co Ltd was terminated in May 1992. 83,112

**Housing Development Corporation**

Guarantee for repayment of debenture of 5 per cent stock due on 1st April, 2004. 1,229,083

A further US\$5 million guarantee issued in favour of the same Corporation for repayment of debenture of 7 1/2 per cent stock due on 1st April, 2009. 1,962,919

**Cayman Islands Museum**

Guarantee for a loan at CIBC Bank and Trust Company (Cayman) Limited for renovation of the Old Law Courts Building. 248,134

**Port Authority**

Guarantee in respect of a loan at the Royal Bank of Canada for the construction of an office building. 347,567

Guarantee in respect of a loan at CIBC Bank and Trust Company (Cayman) Limited for the purchase of 6 acres of land in the Industrial Park area. 248,478

Guarantee in respect of a loan at CIBC Bank and Trust Company (Cayman) Limited for developing property in the Industrial Park area. 1,500,000

Guarantee in respect of a loan at CIBC Bank and Trust Company (Cayman) Limited for the purchase of 1.25 acres of land. 300,000

**Water Authority**

Guarantee in respect of a loan at CIBC Bank and Trust Company (Cayman) Limited for the Water and Sewerage Project and Red Bay/Spotts extension. 4,855,000

Guarantee in respect of a loan at CIBC Bank and Trust Company (Cayman) Limited for Phase 1 of the piped water supply extension from Spotts/Newlands to Pease Bay. 2,997,015.00

**Civil Service Pension Scheme**

The statutory pensions liability of the Government under the Pensions Law 1963 as actuarially determined at 1st January, 1989. 32,445,624

**Cayman Water Co Ltd**

Guarantee in respect of a loan with the European Investment Bank. 2,000,000

**Cayman Airways Limited**

Shareholders' deficiency - Accumulated losses less share capital 16,034,131

**Total:** \$71,251,061

Madam Speaker, originally Members of Executive Council gave the contingent liability total as \$73,041,061. This was due to an error in compiling this information by Finance and Development in that it duplicated the guarantee in respect of Cayman Water Company for a further \$1,790,000. This has subsequently been corrected.

Also in that contingent liability figure that was given as \$73,041,000, also deducted from that was the pension fund balance that has been held at CIBC. That should not have been deducted. Therefore, the balance remains as \$71,251,061. The reason it should not be deducted is that the pension liability is the accumulated position as to the 1st of January, 1989. The cash fund balance that is being held at CIBC represents the Government contribution to that fund since the 1st of January, 1989 to-date.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, can the Member tell us if the Government would today be able to meet these liabilities if they were called?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, I do not think the Government would be placed in a position where it would be called upon to off-set these liabilities. This is why they are classified as contingent liabilities because it is just a question of the Government issuing guarantees to allow for various loans to be raised on behalf of various organisations that are listed and if it was a question that the Government would be called upon to meet these guarantees or to off-set payments in respect of these guarantees, I think the Government would have some early warning and would not have been put in a position to issue them in the first place.

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

**MR. W. McKEEVA BUSH:** For the sake of clarity, is the Member saying that Government, if they were called upon could pay this liability?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, obviously the Government, being the guarantor in respect of these guarantees, if called upon the Government would be forced to honour its obligations. But it is highly unlikely that the Government would be called upon to off-set all of these guarantees at the same time.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. I appreciate the Member's hesitancy in saying a yes or no answer but that is what I am looking for. The question is, and I would like him to clarify it, yes or no. Can the Government pay these if they were called upon?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, I maintain that the question that is being put is somewhat hypothetical. If the Government is called upon to take on these obligations, it is not a question that the Government should have sufficient cash on hand to off-set them immediately. I am sure that ample arrangements could be worked out whereby the loans or the guarantees could be assumed by the Government. But in the world in which we operate it is unlikely that the Government would be called upon to assume these obligations.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say if there is a point at which the accumulation of contingent liabilities would be deemed to be awkward or ill-advised to the Government and if so, what figure would represent that point?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, all guarantees are an awkward arrangement. It becomes difficult to specify a figure because if I were to take it at a personal level, I would rather to assume or issue a guarantee for someone for \$100 that I know would honour that obligation than to a person for \$25 where there seems to be an acceptable level of risk.

Obviously one will have to look in terms of the Government's exposure at any given point in time. I think basically the guarantee or the situation under which the Government is being called upon to issue the guarantee, this is what should be assessed to determine the element of risk there, as against attempting to arrive at a specific figure but obviously as the Government takes on the role of issuing guarantees in respect of various organisations there is always a risk that the Government will be called upon to assume the indebtedness. But at the same time the Government will have to assess the risk and so far the Government has not been called upon at any point in time as yet to assume any loans that I am aware of.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. If the same principles which govern the acceptance of private liabilities govern public liabilities, then may I ask the Honourable Member is it not a fundamental principle dependent upon the income and the assets of Government and if that is the case, then could he even hazard a guess as to what would be a comfortable contingent liability figure for our Government under the circumstances of our income and assets?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, the Member raises a very good point. I think what we need to look at in terms of the Government's exposure under this arrangement will be whether the expenditure of the annual expenditure by the Government will be off-set by the amount of revenues that are available. Obviously if Government takes on a risk, that puts us into a deficit position as a result of assuming these guarantees, or the Government placing itself in a position whereby there is a likelihood that other measures will have to be pursued in order to off-set these obligations, obviously then the account is an unacceptable arrangement. But so far, it has been mooted in the past that up to a limit of 10 per cent (at one time it was five per cent), but I am of the view that the percentage, while it is important, I think the risk should be looked at in terms of the impact on the over-all budget.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Could the Honourable Member say what is the sum which is now necessary to service principal and interest on these debts? Secondly, whether

some of these large debts, for example, Cayman Airways Limited debts of \$20 odd million it looks like are under this, and whether there is, as certain as a contingent liability may be, that Government will have to make provisions to pay these in the future?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, I have no doubt at this stage, given the financial position of Cayman Airways that the Government will be called upon to assume the debts. Any further arrangements that are entered into, obviously the Government will be an integral part of that arrangement and it will have to be budgeted for. Definitely it will have an impact on the revenues of these Islands. The amount for 1992, that is included in the budget for the servicing of debt totals \$5,539,905.00. This amounts to 4.4 per cent of the annual budget or the amount to be derived from revenue, but of this \$2,756,658.00 will be recovered from self-financing institutions. These are loans that are currently standing in the name of Government but are taken out on behalf of these various Statutory Authorities. The Government's direct debt obligations at this time represents 2.2 per cent of the budget.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Through you, Madam Speaker, could the Honourable Member say whether this servicing by Government is really only a fraction of this amount? Could you tell me how much the debt is it is servicing at present? Secondly, what I really asked is can you tell me how much it costs to service this \$73 million through the Statutory Authorities because they are servicing it, is that correct?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, I do not have the information as to what the amounts that are being paid by the various private sector and Statutory Authorities, in respect of the \$73 million, are. I would have to obtain that information. The only information that I have in terms of annual repayment relates to the Government's public debt and the self-financing loans by the Statutory Authorities.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, this question appears to be in two parts. One, I would like to ask the Member about the large guarantee just given by Government to Guinness Peat Aviation (GPA), and whether that guarantee is contained in this figure, is it in addition to it? The other one is, has the Government notified the three banks giving the Health Authority the loan about the extent of Government's commitment already to contingent liabilities?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, the information on the guarantee in favour of GPA, that has not been signed as yet, so that information is not included in the information given. I would ask the Member if he could restate the second part relating to the Health Services Authority?

**MADAM SPEAKER:** Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, I wanted to find out if the banks have been notified that the Government already has this large commitment on contingent liabilities. To help the Member in the answer, I know it is normal practice in making an application for a loan to state the liabilities of the person seeking the loan and I am wondering if this has been made known to the three financial institutions?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, there would not be a requirement for this information to be provided to the three financial institutions because the Health Services Authority, as a Statutory Body, operates with a certain level of autonomy and obviously they have gone out and commenced negotiating the loan arrangements. What the Government is being called upon to do is to issue a guarantee. If the banks that are providing the loan come forward and ask that such information as we are now discussing be provided, then that would have to be considered as a separate arrangement.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, through you, Madam Speaker. Can the Honourable Member say how much of this \$73 million is included in the \$5.39 million servicing that Government does?

**HON. GEORGE A. McCARTHY, JP:** None, Madam Speaker.

**MADAM SPEAKER:** The next question is No. 117, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 117 RECOMMENDED

**MR. ROY BODDEN:** Thank you, Madam Speaker, and it seems as if I have to ask your apologies and retract because I have just noticed that question No. 117 is a little different because it states, since June 1991, so it would not have covered the accounts for Cayman Airways which were laid on the table, Ma'am, and I would like to ask the Chair's permission to have that question now asked, as I requested originally.



**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT**

**NO. 117:** Would the Honourable Member say if the Government has available for its use a Register of Approved Contractors?

**ANSWER:** Madam Speaker, the Government does not have available for its use a register of approved contractors as provided for in Chapter 8, Paragraph 8.3.1 of Government's Financial and Stores Regulations (FSR's) 1986. The reason for not implementing this provision of FSR's is that the Government is of the opinion that the register of contractors is unnecessary in a market the size of Cayman, where there is a limited number of contractors for each specialist field. The Public Works Department achieves the intent of Paragraph 8.3.1 of FSR's by advertising for and pre-qualifying each contractor before the firm is invited to submit a bid. This information is updated on an annual basis or as often as thought necessary.

The main purpose of the register is to provide a ready record of potential suppliers of a particular service and hence the need not to advertise in every instance. If this register of approved contractors was introduced, this would be to the detriment of the public as the Government would only have to advertise once every year to update the register. It is felt that this is not in the best interest of the various firms within the private sector, who should be given a chance of being pre-qualified to bid on Government's projects. Government in its last Minute reassured the Public Accounts Committee that the Public Works Department has generally followed the concept of selective tendering as laid down in FSR's 1986.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. May I ask the Honourable Member if he is in a position to state what prerequisites companies tendering Government contracts have to lay down?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, this would embrace a range of requirements such as financial ability, competence to perform and also a history of previous jobs undertaken.

**MADAM SPEAKER:** The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker, may I then ask the Honourable Member if once a company has tendered for a Government contract, if that company upon subsequent tendering, has to prove in each case that it has, for example, the necessary funds that could be placed in escrow as a performance bond and also has retained the number of experts to perform the job as the contract may require?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, as part of the negotiated arrangement with the Public Works Department or the Chief Engineer, this information would be obtained by the department and I would want to believe that wherever doubts exist as to the financial competence of the contractor performing any given project that this would be taken into consideration on an on-going basis. Depending on the level of risk there would be some form of requirement for a performance bond. This is not an unknown requirement, it has been in the past in several instances.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker, through you. Would the Honourable Member say whether under the Financial & Stores Regulations, once a contract for a sum has been granted, is it possible for extensions of it for very substantial sums, as we heard the \$8.5 million for the Water Company, or whether large contracts such as that have to go back to the Central Tenders Committee?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, I would have to review the elements of that question to determine exactly how to rationalise it. But, as far as the tendering process operates, Madam Speaker, each element of a contract is to be regarded as a separate arrangement. If it can be demonstrated that it would be within the interest of the Government to continue the arrangement, then I would imagine judgement would then be brought to bear on the arrangement as to whether an original contract should be extended. The Public Tenders Committee has been put in place to ensure that the most viable arrangement under any contract situation is looked at thoroughly.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker, through you. Could the Honourable Member say whether Government will definitely extend the Financial & Stores Regulations to the Statutory Bodies, such as the Water Company and the Public Health Services Authority?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, there has been an undertaking given in the Government's Minute that for every loan the Government is called upon to provide a guarantee in respect of these Bodies, that contracts to be awarded in excess of \$100,000 will be subject to the scrutiny of the Public Tenders Committee. But because of the fact that the Statutory Authorities are autonomous to some extent and enjoy a certain level of independence, the Government could not really give an undertaking that it will extend all of the requirements of the Financial & Stores Regulations to guide the operations of the Statutory Authority because it may probably not be within the interest of these Authorities for such to be done.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Is it not a fact that the Statutory Authorities are dealing with the public's money, the same as Government?

**HON. GEORGE A. McCARTHY, JP:** Yes, Madam Speaker, the Statutory Authorities are dealing with Government's monies as the Member quite rightly pointed out, the same as the Government, but most of these Statutory Authorities are governed or guided through directives issued by their Board of Directors. There is a need to make sure that there are sound financial management and policy decisions that are emanating from the Board and also they have procedures laid down and established. The Financial & Stores Regulations have been developed specifically to guide a centralised financial institution or financial arrangements such as the Governmental process and it would have to be looked at very carefully to determine how applicable this would be to the Statutory Authorities.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, will the Member give the House the assurance that he will delay Government's guarantee for the Health Authority until he has put in place the proper safe-guards for the tendering of Government's largest single contract to date, the \$18 million loan, to protect the public's money?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, the House has already been given the assurance through the answers provided in the Government Minute that effective as of the date of the Minutes being laid on the Table, the 19th of March, all contracts to be issued by Statutory Authorities, for which the Government will be called upon to issue a guarantee that those contracts will be subject to the scrutiny of the Public Tenders Committee. However, the House was also informed, and it is my understanding that the bidding arrangement for the Health Services Authority commenced prior to that date and would not be caught up in that dead-line that was set as of that date. But all contracts that are considered to be new in being originated will be subject to scrutiny by the Public Tenders Committee where Government is called upon to issue a guarantee.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Can the Honourable Member say when the Health Authority dealt with the particular contract under question?

**HON. GEORGE A. McCARTHY, JP:** Madam Speaker, I think it would be more appropriate for that question to be directed to the Member concerned for the Portfolio. But, the contract in question, I know that a stage of it was considered, having been dealt with recently. I am not in a position to say whether that was the final stage, an interim stage or what stage it was. At the point where the arrangements commenced, I am not in a position to comment on that.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Is the Member saying that the contract was given after the agreement? After the agreement in the Minute, I am talking about.

**HON. GEORGE A. McCARTHY, JP:** I understand, Madam Speaker, that the contract has not been awarded as yet.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. According to the Member, Government has agreed now to award all their contracts in excess of \$100,000 through the Central Tenders Committee and he also mentioned that the Health Authority Contract was not subject to these provisions. Is it not a fact that the Health Authority contract was only awarded recently? And if that is the case, why is it then not subject to the Central Tenders Committee?

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, I will restate the answer that I gave earlier. The Statutory Authority, like any other Authority, as of the 19th of March, the date on which the Government Minutes were laid on the Table of the Legislative Assembly, all contracts to be awarded as of that date should be subject to the scrutiny of the Public Tenders Committee. I have been made to understand that the arrangements leading up

to the process, whereby the contracts of the Health Services Authority have been considered, took place prior to that date being defined or determined. It is very difficult for me to give an undertaking that the contract will be brought in to the arrangement subsequent to the 19th of March because of the fact that the Health Services Authority is a Statutory Authority and secondly, I have been made to understand from the Authority that the contract has not been awarded as yet.

**MADAM SPEAKER:**  
for West Bay.

This will be the last supplementary. The First Elected Member

**MR. W. McKEEVA BUSH:**

Madam Speaker, if I am understanding the Member correctly, the Member says that any guarantee that the Government signs for any particular project, that project has to go through Public Tender. In a further answer to a question, the Member says he understands that it is not yet agreed who the contractor will be or to put it more clearer, it is not yet agreed that the contract is tendered. Well, then if we have those recommendations should not that contract have to go through Public Tender?

**HON. GEORGE A. McCARTHY, JP:**

Madam Speaker, I think the Member brought out a very good point if that is his understanding. I earlier pointed out that the process for the awarding of the contract has commenced and commenced prior to the 19th of March. However, I understand that the arrangements are at an interim stage and have not been finalised in terms of the contract being awarded.

**MADAM SPEAKER:**

The next question is No. 118 standing in the name of the First Elected Member for Bodden Town. It is now 11 o'clock. We need a suspension of Standing Orders in order to continue question time.

11:00 A.M.

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

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, I beg to move that Standing Orders 23(7) and (8) be suspended in order to complete questions on today's Order Paper.

**QUESTION PUT: AGREED.**

**STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS UPON THE ORDER PAPER TO BE TAKEN.**

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

**NO. 118:**

Would the Honourable Member say how many new teachers are being recruited into the Government school system for the beginning of the September 1992 school year; what is the experience and qualification of these teachers; and what is their nationality?

**WITHDRAWAL OF QUESTION NO. 118**

**MR. ROY BODDEN:**

Madam Speaker, I respectfully beg to withdraw the question.

**MADAM SPEAKER:**

withdraw question 118.

The question is that the Honourable Member would wish to

**QUESTION PUT: AGREED.**

**QUESTION NO. 118 WITHDRAWN**

**MADAM SPEAKER:**

Question 119, the Second Elected Member for Bodden Town.

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

**NO. 119:**

Will the Honourable Member give details of all debts accumulated by Cayman Airways Limited since June 1991?

**ANSWER:**

The accounts payable of Cayman Airways Limited, during the period 1st July, 1991 to 31st May, 1992, increased by US\$2,713,476.00.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Supplementary, Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, may I ask the Member if this figure includes the payment that has to be made to Guinness Peat Aviation (GPA), because of the court order against the airline which was made in the United Kingdom?

**HON. W. NORMAN BODDEN:**

Madam Speaker, the accounting for the GPA transaction was

included in the financial statements up to June 30th, 1991, which were tabled in the House a few days ago.

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

**MR. W. McKEEVA BUSH:** Thank you, Madam Speaker. Is the Member saying that \$2,713,000.00 is all the amount of money owed by Cayman Airways since June last year?

**HON. W. NORMAN BODDEN:** That figure represents the outstanding accounts that the company has not been able to pay during that 11 month period. It is shown as accounts payable. In other words, in 1990, that figure was \$7.3; 1991 - \$10.2; and at the end of 1991, that figure which is shown in the accounts for June 30th, 1991, you will have to add \$2,713,476.00 to that.

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

**MR. W. McKEEVA BUSH:** Can the Member say what causes the difference?

**HON. W. NORMAN BODDEN:** Madam Speaker, those are outstanding bills which the company has been unable to pay.

**MADAM SPEAKER:** The Third Elected Member for George Town, supplementary.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker, through you. Would the Honourable Member say whether there is also a further debt of a bank over-draft which a year ago was \$6.4 million, which is also a payable?

**HON. W. NORMAN BODDEN:** There might be a small difference in there, but I think it would be covered by the guarantees, for example, which were referred to earlier in questions this morning.

**MADAM SPEAKER:** The next question is No. 120, 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 TOURISM AVIATION AND TRADE**

**NO. 120:** Will the Honourable Member say what official arrangement is in place which allows some cruise ship passengers to bring ashore bicycles which are used on the road in Grand Cayman?

**ANSWER:** Through a departmental procedure which is provided for in section 19 of the Customs Law (temporary imports), the arrangements are made between the crew members of cruise ships and the Customs Department to allow them to bring bicycles ashore by posting a deposit with the Customs Department. This deposit is refundable when the Customs Officer is satisfied, upon departure, that the bicycle is being returned to the ship. The crew member is also required to obtain a temporary bicycle license from the Traffic Department which is required by Law. It should be noted that such occurrences were very occasional and, in fact, since September 1991 there have practically been no such instances.

**SUPPLEMENTARIES**

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

**MR. GILBERT A. McLEAN:** Is the Member saying that Government does derive some financial benefit from allowing these bicycles ashore which perhaps would be through the cost of licensing them?

**HON. W. NORMAN BODDEN:** That is correct, Madam Speaker, on those occasions when this takes place, they have to be licensed by the department and there would be some revenue derived from this.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Have there been any difficulties experienced with the use of these bicycles on the road and in the matter of having the monies refunded to persons when they are leaving?

**HON. W. NORMAN BODDEN:** Not to my knowledge, Madam Speaker.

**MADAM SPEAKER:** The next question is No. 121, 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 TOURISM AVIATION AND TRADE**

**NO. 121:** Will the Honourable Member say what portion of the recommendations of the recent Cayman Airways Limited study have been implemented in the airline's operations?

**ANSWER:** The portion of the recommendations made in the Cayman Airways' study which were accepted by the Portfolio and have been implemented are as follows:

- (1) A new Mission Statement and Objectives of the national airline.
- (2) The establishment and formal documentation of the role and responsibilities between Government, the Board and Senior Management.
- (3) Production of an annual business plan.
- (4) A detailed review of functions and job specifications has been completed.
- (5) Consistent schedule planning procedures have been established.
- (6) A Mission Statement and Objectives for the joint working relationship between Cayman Airways Limited and the Department of Tourism.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**  
& Little Cayman.

Supplementary, the Second Elected Member for Cayman Brac

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. Both the SH&E study and the Aer Lingus study, made profound remarks regarding the management of the airline, have any recommendations for organisational changes or otherwise, been made in the management of Cayman Airways?

**HON. W. NORMAN BODDEN:**

Madam Speaker, one of the recommendations was to prepare a reorganisational chart as far as management is concerned with accompanying manpower requirements and also to provide for four divisional heads and the setting up of certain programmes and committees. This plan has been developed but the proper implementation of this has been delayed to some extent due to the financial condition of the airline and it is hoped that in the near future when this matter can be addressed, then we can proceed with that portion of the recommendation, which is still under consideration.

**MADAM SPEAKER:**

The Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, would the Member tell the House if his reply means that the present Managing Director has about 14 or 21 people, different sections reporting to him still? Or, has some attempt been made to change the reporting process and the span of control as far as supervision goes? Just to what extent have practical changes been made?

**HON. W. NORMAN BODDEN:**

Madam Speaker, I think there has been a gradual move to some improvements in that area to some extent. However, the full proposal there cannot be immediately implemented for the reasons I stated earlier. It is the intention that these will be implemented eventually, but it is based on financing and the availability of the expertise and the human resources.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker, through you. Can the Honourable Member say when Cayman Airways expects to adopt the recommendation which stated that Cayman Airways should have a three aircraft rationalised fleet and which specifically stated that increases in aircraft would increase losses to the airline?

**HON. W. NORMAN BODDEN:**

Madam Speaker, in September this year, the company should have in place the -400, which it is currently operating, plus three -200 aircraft. The recommendation that was made by SH&E at the time, was undoubtedly made under different market conditions which are constantly changing. With the availability of the -200 aircraft, at the rates by which the company can lease that type of aircraft, it is preferable to have those three smaller aircraft operating in addition to the -400, because it gives the company the ability to provide a market driven schedule which enables it to capture a greater share of the market. That improvement has been demonstrated at least during the first quarter of 1992, where the company was able to improve its position from a revenue earning point of view.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. Would the Honourable Member

say whether the suggestion by SH&E that Cayman Airways endeavour to cease operating the four 737-400s because of high cost, whether this has been pursued?

**HON. W. NORMAN BODDEN:** Madam Speaker, attempts continue on an on-going basis to lease out the -400 from International Leasing Financial Corporation which the company is presently operating.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Thank you, Madam Speaker. One of the major objectives of the review by the consultants, was to reduce the cost of operation of Cayman Airways. Some recommendations were made to this effect by the consultants. I wonder if the Member could say to date what measures have been put in place to achieve this objective?

**HON. W. NORMAN BODDEN:** Madam Speaker, one of the recommendations was to review and regularise all contractual arrangements and so far reviews have been done in regards to fueling contracts and to insurance. I think earlier during this Sitting, I told the House of savings that were realised in those areas. The other contracts, such as handling and in other areas, continue to be reviewed.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Would the Member confirm that there have not been the changes within the management structure which were seen to be necessary to achieve certain management efficiencies and thus, certain savings? Would he attribute the continuing problems to the fact that this has not been actually instated in the airline?

**HON. W. NORMAN BODDEN:** Madam Speaker, those changes have not been implemented as quickly as we would have anticipated. However, I must repeat, that those recommendations of employing staff at managerial level to strengthen the management of the company as recommended in the report, while all of the plan has been properly laid out and is put in place, those changes have not been implemented as yet because of the availability of persons to fill those positions and the finances to deal with those positions. Additionally, it has to be accepted that those changes will have to be made on a progressive basis and in order to be as non-disruptive to the day-to-day operation of the company as possible.

I have to say, however, that the company itself in examining the reports which were done on Cayman Airways, have made great strides over the past eight or nine months to effect improvements in every possible area in the company thus far. These efforts are continuing.

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

**MR. GILBERT A. McLEAN:** Has the Portfolio expressed its opinion as to where priority should be given in implementing the recommendations of the Cayman Airways study? Have any directions been given that the Portfolio would like to see management changes made, such as recommended? Thirdly, should money be voted for Cayman Airways to the extent that it can meet these costs, would the airline management be directed to implement them to make those changes?

**HON. W. NORMAN BODDEN:** Yes, Madam Speaker, the directives have been very clearly issued and the recommendation was for four divisional heads in the area of marketing, finance, operations, maintenance, personnel and administration and we have prioritised, that is the Portfolio has indicated the priority that should be placed on the recruitment of this level of personnel to strengthen management. I believe that this move forms part of the restructuring plan for Cayman Airways and once the matter of financing has been addressed, it is my view that further improvements will be made in the operation of the airline.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Thank you, Madam Speaker. One of the observations made by the consultants was that senior management, that is your Managing Director, I think in particular him and the Vice-President for North America's salary was too high. I wonder if the Member could say what measures are being considered to adjust this situation?

**HON. W. NORMAN BODDEN:** Madam Speaker, I do not recall any specific comment in the reports regarding specific salaries being too high, except mention was made at the time regarding crew salaries. However, part of the recommendations that were accepted by the Portfolio and directed should be undertaken, was to undertake a detailed review of all salaries. This portion of the recommendation is presently in process by the consultants.

**MADAM SPEAKER:** The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, may I ask the Member what is being done to reduce the high cost in the operations which seem to be the greatest expense? That is, the high cost of the lease, because I think this is what the consultants found.

**HON. W. NORMAN BODDEN:**

Madam Speaker, that was at the time that the airline, was leasing the two -400s from Guinness Peat Aviation. I feel based on the companies performance that the cost of aircraft lease at the present time, which just about equates with what the cost of the two -400s were from GPA, enables the company to improve its position from a revenue earning capability point of view, and this has been demonstrated. The cost of lease for aircraft will certainly be reduced after the end of August, when the company will then be operating the three -200s and the one -400.

**MADAM SPEAKER:**

The next question is No. 122, 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 HEALTH AND SOCIAL SERVICES**

**NO. 122:** Will the Honourable Member say when will the National Health Insurance be brought into effect and whether agreement has been reached on a final monthly premium to provide coverage for the basic plan/package?

**ANSWER:** The Health Insurance Law will be brought into effect on 15th July, 1992, in accordance with section 2 of the Law and the final monthly premium for the basic package is as agreed, i.e. \$45.00 for those persons under 65 and \$179.00 for those over 65.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Supplementary, the Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, as we will be discussing this matter tomorrow I believe, would the Member let us see the agreement and let us know the companies that have agreed, and let us know specifically what the figures are?

**HON. D. EZZARD MILLER:**

Madam Speaker, the Member has a copy of the regulations which contain the figures I just gave. The Law does not require any signed agreement with the health insurance industry prior to this Parliament setting the fees. The Law requires that they be consulted and that was done.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, is the Member saying that he has not reached an agreement with the insurance industry or has he reached it?

**HON. D. EZZARD MILLER:**

Madam Speaker, we have had several meetings with the insurance industry and in the last meeting they were informed, after waiting some five months on them to object to the premium, that that is what the premium was going to be set at. If the Backbench Members believe that the premium is too low for their friends in the insurance industry, they can file an amendment to increase the fee.

**MADAM SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, what I am trying to find out is, have they agreed with him on the figure? No or yes?

**HON. D. EZZARD MILLER:**

Yes, Madam Speaker.

**MADAM SPEAKER:**

The Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:**

After the 15th of July, is it the case that all persons in the Islands will be expected to take out the insurance of the basic package? How will it work with the present regulations which are before the House?

**HON. D. EZZARD MILLER:**

Yes, Madam Speaker, after the 15th of July, it will be expected that all employers will provide insurance for their employees. However, when the Bill was moved we gave the public the assurance that we would not be prosecuting anyone for not having provided the insurance in a one year period and we have such an undertaking from the Attorney General.

**MADAM SPEAKER:**

The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker, through you. Would the Honourable Member say whether Government is in a position to put in place insurance at this \$45? What I understand from his question is that private companies have not agreed to the \$45 a month for this package.

**HON. D. EZZARD MILLER:**

Madam Speaker, let me assure him that private companies have agreed to provide the insurance at those prices. As in regards to the Government's obligation under the Law to

provide insurance for its employees, the Government has the same leeway of the one year period to make its decisions and put it in place as any private sector company, under the Law.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. May I ask the Honourable Member, whether the agreement between the Health Services Authority and the insurance companies is a verbal agreement or a written agreement? If it is a written agreement, could he table it so that the House may have access to it and if he cannot table it or will not table it, could he give us the date that the agreement was entered into?

**HON. D. EZZARD MILLER:** Madam Speaker, there is no agreement between the Health Services Authority and the insurance industry, neither verbally nor in writing.

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

**MR. GILBERT A. McLEAN:** Would the Honourable Member say whether after the 15th of July, Government will be taking steps to insure the persons for whom they now provide free medical care?

**HON. D. EZZARD MILLER:** Madam Speaker, that is a decision that will be taken collectively with Government and the only assurance I will give the Member is that the Law requires it to be put under consideration as soon as possible.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Madam Speaker, I have a concern. The Member is saying that Government has the authority to dictate a premium. If there is not an agreement with the insurers, that is the local insurers, on the \$45 per month premium, where is the Member going to get the insurance coverage from?

**HON. D. EZZARD MILLER:** Madam Speaker, I just answered the Third Elected Member for George Town. I give this House the unqualified assurance that there are companies in the private sector who are prepared to provide the basic plan at the prices stated in the regulations.

**MADAM SPEAKER:** The last question, the First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I would like to ask the Honourable Member if he has had either any conversations or any written correspondence between the Health Services Authority and the insurance executives regarding the rates since June 12th? Or any with himself since June 12th?

**HON. D. EZZARD MILLER:** Madam Speaker, the Health Services Authority has absolutely nothing to do with the requirements of the National Health Insurance Law. That is a requirement of the Government, including the Backbench Members of this Honourable House. I have had many meetings with the health insurance industry, many letters of correspondence prior to the 12th of June and since the 12th of June.

**MADAM SPEAKER:** That concludes Question Time for this morning. The House will be suspended for 15 minutes.

**AT 11:37 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 12:04 A.M.**

**MADAM SPEAKER:** Please be seated. Government Motion No. 3/92, debate continues, the Elected Member for East End.

## **GOVERNMENT BUSINESS**

### **GOVERNMENT MOTION NO. 3/92**

#### **CAYMAN ISLANDS HEALTH AUTHORITY - LOAN GUARANTEE**

(Continuation of debate thereon)

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Yesterday evening when we took the break, I was about to speak on the financial commitments of this country. I must say that it was properly timed seeing what has come out in an answer to a question here today. Let me say I do not believe that any other Government in the political history of the Cayman Islands, has ever financially committed this country as seriously as the present Government. And I must say, at a worse time than it has been done to this country. We have been told here today, and as a matter of fact, yesterday we were given figures by two Elected Members of Executive Council, in trying to justify the motion which is before the House for the hospital. I think it was the Fourth Elected



Member who gave us a figure of \$105 million as being the net public obligations of this country.

This morning, we heard in an answer to a question that the total contingent liabilities of this Government up to March 1992, stands at \$71,251,061. Of course, the \$18 million in question was not added to that. Madam Speaker, I would say that this reinforces the sad affairs of this country. When an individual goes to one of these commercial banks, the only thing that they do not ask you for is your life, in order to secure a loan. I honestly wonder if all of the sad figures which are before this House today and yesterday, were truly discussed with the bank managers concerned.

Yesterday evening, my ears overheard something with regard to this hospital and where it will be built. I have always been a Member who has welcomed the Press to this Legislative Assembly. But I have to say here today, that the Press should reserve some of their remarks when it comes down to what is good and right for this country. I believe that the individuals who have offered their vote to each and every Elected Member of this Legislative Assembly has done so because they wanted each one of us to be here to represent them. If some of us have different views with regard to the place where this hospital will be built, then I would like to say that we are putting forward the views of our people.

For me to hear referrals like, where then would you build a hospital because all of Cayman is a swamp? I have said before, that if anyone comes to this country and is not satisfied, they can catch a flight out. We have many flights in and out of here each day. But, I am totally against those remarks and I hope and trust that the opportune time will come when I can put this right with the same media who made such a nasty remark. If Cayman is that bad, why leave their place of birth? I mentioned yesterday that I am not satisfied that we will have property filled and a hospital constructed for the amount of money which we have been told by Hurlstone Construction that it will take. Of course we heard from the Second Elected Member that no contract has been awarded, but I believe, I honestly believe, that he knows well that this contract is meant for Hurlstone. I believe that we have been told that engineering surveys have revealed two to two-and-a-half-feet of mud, and then, as I understand it, the bid was based on that. Yet, it is a proven fact that in certain areas there is more like 10 feet of mud.

If this is correct, I honestly believe that we will be faced with a contractor who would probably have offered a bid 10 times under what he will be involved in. Regardless of what we have been told about a closed contract, we know quite well from past experience, what happens when Government is involved. I honestly believe that with all the commitments this Government has brought upon this country, this hospital could very well be the straw that breaks the camel's back. It is some four years now that this Backbench has tried, and has proven Madam Speaker, to have offered advice which was correct, but we have a Government that has never been willing to take good advice. That is why today, this country is almost in chaos.

We did not only tell the Government, we also warned the public that this country could take only so much and as far as we were concerned, those commitments were coming to that point. I am speaking here of the commitment with Cayman Airways Limited. At that time, like we are today on the hospital motion, the present Executive Council travelled throughout these Islands, trying to say that we were wrong and preaching the gospel that Cayman Airways Limited would be making billions in a short time. But, Madam Speaker, it is nothing for any of us to joke about because it is not Cayman Airways Limited, but indeed, the people of this country, and from the figures that I am seeing it seems as if they are well on the way to \$2 billion, but surely not making \$2 billion, but losing \$2 billion.

I honestly trust that there is a second check on those who are here promoting the hospital as being a glorious venture for this country because if they are no closer on this one than they were on Cayman Airways Limited, God help us. We also warned and stood up against the Master Ground Transportation Plan which was before us. I was glad that because of that old Christian doctrine that has been instilled in the Member with responsibility for roads, that he saw fit to put that on the shelf. I am hoping that his influence with his other colleagues in Executive Council, he may also influence them to shelve this expenditure which this country cannot afford on a hospital at this time. We have been called on this Backbench by every name that is unfit, sometimes I believe not even parliamentary, but time has stood the test and we have been right in every instance, regardless if the Government agrees or not.

What is bad, the country suffers, the people suffer, our children suffer although I am convinced that certain people are not worried about the youth of this country. But because you are not directly a parent, Madam Speaker, does not mean that you should not have feelings for the young people of this country who will be forced in years to come, if this motion passes in this Honourable House, who will be faced with the payments of the loan that we are presently discussing. We should not be selfish. I know that we, as a Backbench, could stand here and discuss this Hospital Motion until we are blue in the face. But what we saw here yesterday in the J.R. style, dictates to us, Madam Speaker, that we are only bashing our heads against the wall.

We already know that this country is burdened with high medical fees. It is to a stage where some of our people are suffering for services and have already suffered. Contrary to what we are told by the Government. I know of times when individuals have been to that hospital and because of the hassle they have to go through with regard to signing this and that and the other thing, they leave without a service. How can we say to the people of this country we are constructing a new building, a new facility, but you are going to be paying so much that you will not be able to utilise the building. It is almost to that point already and if we have this new facility, we know that it will constantly be rising. I honestly believe that as much as the Medical and Dental Association have been ridiculed, that they have given this Government and the people of this country very sound, reasonable and suitable advice with regard to this hospital.

I honestly believe that their first suggestion should be put in place by this Government at this time. And that is to put this new hospital on hold until this country can afford it. The suggestion which I touched on yesterday, is also here to build a modern diagnostic centre. We were told prior

to this motion, and again yesterday, we were told by the Second Elected Member of Executive Council that a past Government had made such a mess of the grounds on which the present hospital is built, that they could do nothing. But who are they trying to fool? We were also told that not too long ago a dental clinic and an eye clinic were built on the same grounds. So, Madam Speaker, if it was that messed up, how then could we have found space to have those constructed? They are proven wrong once again.

Another suggestion was to encourage the private sector investment in the health industry. Can we honestly say that we have a Government who has done that? No, Madam Speaker, what I have heard in here is constant ridicule of an individual who has put this forward. They also suggested that we have a small mental health unit constructed in phases. Only a few days ago we had questions here with regard to a problem which we have with this type of individual in this country today and there is nothing that can be done. I think some suggestion was that he be sent back to West Bay. Are we, because of high-mindedness, prepared to go along with something which we know cannot be afforded and is not at this time fulfilling really and truly what we need?

We have heard that the equipment for this hospital will be costing some \$2 million. This is a joke, Madam Speaker, a big joke. When I consulted with a company who knows exactly what it would take to equip a hospital the size of the one in question, the cheapest figures to have the correct equipment was somewhere in the region of \$6 million. So how can we perform these miracles and tell the people, "Oh it is only going to cost \$2 million, in order to try to get them to agree to build a new hospital?" This is unfair, Madam Speaker, unfair to this country and unfair to its people. We were further told by a Member of Executive Council that no Executive Council Member had been involved with the award of the contract. And after that, the Second Elected Member comes behind him and said there is no contract. But my question is, Madam Speaker, who was the Chairman of the Health Authority at that time? Was he not a Member of Executive Council?

We heard and we always hear whenever mention is made of the financial mess this country is in today, we always hear that the past Financial Secretary, the Honourable Thomas C. Jefferson, was the advisor for the last 10 years and they try to shift it entirely on his shoulders. Madam Speaker, the loan for this hospital and the loan for Cayman Airways Limited and all the other commitments this Government has made in the name of this good country and its people, cannot be blamed on any one individual within Executive Council. That poor individual who has been castigated on the floor of this House had the unfortunate position of having to present such matters.

But there are some of us on this side, who have also had an opportunity to be a part of Executive Council, so who are they trying to fool? We know quite well that the majority in Executive Council happens to be the four Elected Members, and we know that there are only three Official Members. So therefore, Madam Speaker, when such loans, as the one presently before us, or any other matter is taken there, it can be voted down because the majority is on the Elected side. So do not try to shift their blame on that honourable person who no longer is in here to defend himself.

I know we have a sensible public. The people of this country know better and that is why, when I look around the Gallery these last two days, it makes me feel good to know that we have those who have taken the time to sit in here and to hear exactly what is being placed upon them in this hospital loan. And I am going to invite them all to stay and to hear the rhetoric that will be coming behind, trying to smooth off all that has been said, because once you do not agree with certain people in this Chamber, you are ridiculed to the hilt. But we have thick broad shoulders and thick skin on this side, we can take it. We have been told that this hospital motion is here because there are some who were caught in collective responsibility. Madam Speaker, God knows, I know that for some people in Executive Council, they are glad that there is such a clause that even mentions collective responsibility because when it suits them, they love to shelter under it.

I was very pleased when I heard a previous Member of Council speak and to elaborate fully on various contracts including the hospital contract which had been awarded to a certain company. I think that puts it completely the way that the Backbenchers and the public have seen it for a long time, but I do not care to go into that because the public has heard it and they know exactly what was said. But you know it would be good for Members of this Executive Council, if perhaps they could pick a better place to hold meetings, with regard to this hospital deal, than places like the Hungry Horse because there are ears that hear things and I am totally against matters of this high magnitude being discussed in public places, as such, with individuals like I understand are there for breakfast in the morning. Again, I must say where there is smoke, there is fire. You are known by the company you keep. Again, I am going to say in closing, I am going to ask God to keep me around long enough at least to see who will receive this tender that we were told about that is not a contract. I honestly believe that I will be right in my assumption.

The Second Member yesterday in his usual cry stated, "My people deserve only the best and as long as I am here, that is what they will get." Madam Speaker, God help us with that man! He alluded as usual to draw references. Again, to try to make this hospital loan look right he alluded to the airport terminal. But, Madam Speaker, it is a known fact that through their action we now have an almost defunct airline, so if they want to go ahead and tear the terminal down and build it over, they are doing what they want to do anyway, so go ahead and do it. It does not seem like they are respecting the views of the people anymore.

I make a final appeal to all Elected Members of this Honourable House to reconsider the drastic step which we are taking this country into and to reconsider before casting their vote in favour of this loan. I believe it would do us all well and again, although I was accused yesterday of assassinating someone's character, I did not. I only dealt with what had been said by that individual and his action in this House on such occasions as this loan occasion. That is all I did. But we know that if this loan is successful, this country has the right to hold the individual who always supports the Government on such loan agreements, responsible for this. He decides the fate of this country and therefore, as has been said in previous times, the blood

of every man, woman and child is on his shoulders.

**MADAM SPEAKER:**

The Honourable Member for Tourism, Aviation and Trade.

**HON. W. NORMAN BODDEN:**

Madam Speaker, this has been a long and wide ranging debate and as the last Member to speak before the Honourable Member for Health winds up, I rise to make a brief contribution to the debate on Government Motion No. 3/92, seeking authority for Government to act as guarantor for a loan of \$18 million for the construction and equipment of a hospital in George Town and the expansion of the Faith Hospital in Cayman Brac.

Madam Speaker, I have based my position to support this motion on the following grounds. Back in 1990, a long term health care plan was developed for the Cayman Islands by the Honourable Member for Health and Social Services and his Portfolio. That plan was presented and accepted by Government. Included in the plan was the recommendation that a new hospital be built and equipped in George Town and that the Faith Hospital in Cayman Brac be improved and extended. Government accepted and agreed that the project should be developed subject to three conditions. First, that the contract price for the project must not exceed \$18 million. That proof be provided that funding could be arranged through a bank loan and thirdly, that the feasibility of the project be analyzed and reported on by a reputable firm of accountants.

Madam Speaker, the Honourable Member for Health, based on these conditions went forward and pursued the development of this project. In my opinion, the required research was thoroughly conducted and much data compiled over the past 18 months. The Member, in my opinion, followed a clearly defined path of public consultation. Public meetings were held throughout the Islands and the plan was carefully explained to those members of the public who showed any interest and who cared to attend.

The original conditions placed on this project were met and at that stage Government took the decision to proceed with the new hospital, subject to the acceptance of this motion by the Legislative Assembly that is before this House. I have to state quite clearly that I stand by that decision, both collectively as a Member of Executive Council, and individually as an Elected Member for George Town, the capital of this country. Perhaps thirdly too, as a Caymanian with a genuine care for this country. Now, I am aware that there are some people who are against this project but I have to also state that there were more people from my constituency, the constituency of George Town, who expressed a view to me in support of this project than those who were against it.

I have to state also, that in the final analysis I have to make my decision and take my position based on the facts of the matter before me. I have no doubt whatsoever, and this too is based on past experience, that while there is genuine concern in some areas being expressed about Government's finances and its contingent liability, I also am sure that there is also obvious opposition generated for political and self-serving reasons which has never been unusual in this country. Madam Speaker, just because a particular project is not politically popular, does not necessarily mean that that project is bad or is wrong for this country. In the past 12 years that I have had the privilege of serving in this Honourable House, I can think of many worthwhile, worthy and important matters and developments that would have fallen by the way and came to naught and of which the Cayman Islands would have lost the benefit, if the Government of the day had not examined the facts, took a decision and stood strongly by that decision. I do not necessarily refer only to this Government which I am a part of.

In cases such as these one cannot be all things to all people and while recognising and accepting the rights of citizens to express their opposing views in a responsible manner, it must be borne in mind that in that process neither have I forfeited my freedom to exercise my rights as a Caymanian, and that I intend to do in or out of this Assembly. It must be remembered that many of the Government projects and policies which were unpopular for some people of the time, at the time, but which they have proven to be right and beneficial to our country are (and I will name a few) the Mutual Legal Assistance Treaty, does one forget the petitions and the demonstrations against that? The Marine Conservation Law and the establishment of Marine Parks and thirdly and more recently, the Labour Law. Just to name a few recent cases. And in the distant past the dock, the Glass House, the Courts Building, this Legislative Assembly Building and Mr. McKeever, I am going to come to Cayman Airways, but Cayman Airways, Norman Bodden was not given the credit for starting it, bear in mind, and neither am I taking the blame for where it is today either.

**MR. W. McKEEVER BUSH:**  
helped you with it.

I do not blame you. Blame Ezzard, Linford and Benson, they

**HON. W. NORMAN BODDEN:**

Madam Speaker, these were all controversial at the time. There were and always will be those who are for and those who stand against and so as a representative, I believe that one must balance the facts and take the decision that he considers to be best for the country. And that is exactly what I am doing today. Today these projects are seen and generally accepted except for a few political diehards. These projects are seen and accepted as good sound decisions taken by the Government of the day. Projects which are rightly directly linked to the success and high standards maintained in these Islands and projects that Government could not possibly afford at today's market rates. I believe that in time to come, the same will be said about this hospital project.

Madam Speaker, a few speakers before me have made the comparison of this project with Cayman Airways and to my mind, this perhaps could be considered and accepted as fair comment when considering the needs of the three Cayman Islands. Both of these can be seen as part of the country's infrastructure for which Government holds responsibility for orderly growth and development. Both of these can be considered as essential services that are necessary to meet the needs of a developing and

progressive country and which make a valuable contribution to our tourism industry and investor confidence which fuels our economy and which we depend so heavily for our economic survival.

No attempt will be made by me or can be made by anyone else to deny the serious financial difficulties of Cayman Airways. This has been widely herald from every roof-top, nothing has been hidden and neither do I want to be seen as part of attempting to hide any of the Airlines problems. I have been quite open in answering parliamentary questions; I have not been as prompt in the last year in tabling the accounts, and that I explained to the House, the problems of Cayman Airways must be seriously and realistically addressed by this House. There are a multiplicity of reasons why Cayman Airways finds itself in the difficulty that it has today. This did not start since 1984, the airline has had problems from its inception.

There is one point made by the last speaker, the Member for East End, which I would like to clarify. In the public meetings that were held in regards to Cayman Airways's plans to change aircraft, I do not recall any Member of Executive Council telling the public that Cayman Airways would make billions in profit. What was said was that one cannot calculate the aircraft lease payments over a 12 year period and ignore the revenue that can be projected or forecast to be generated over that 12 year period, that they had to be taken together. And furthermore, I would like to refresh the memory of every individual in this House and the listening public. To the best of my recollection, and I am certain that the records will show, that the only time in the history of Cayman Airways that the public was told that it would be profitable, was in 1978. Never before.

**MR. W. McKEEVA BUSH:**

...1989, \$2 billion dollars.

**HON. W. NORMAN BODDEN:**

Madam Speaker, tourism surveys clearly establish that the quality of medical facilities remain high on the list of priorities that tourists consider before choosing a vacation destination. This is fact, not fiction. Certainly the Cayman Islands cannot expect to be exempt from meeting this criteria. The quality of health care available must continue to be upgraded and improved if the Cayman Islands are to remain an attractive and preferred tourist destination in this highly competitive business of tourism. But even more importantly, I believe that this facility must be there to serve the needs of her country.

I would make two last points before I take my seat. Much has been said about Government finances and its obligations and commitments. Much interest was generated in regards to a question on the Floor of the House this morning. I do not believe that ever in the history of the Cayman Islands has any Government found itself in the financial position that they would have been able to pay all contingent liabilities at a specific time if they were called on to do so. I do not think that that has ever existed. The other point I would like to make is in regards to Executive Council, and I think this point was made before by the Member for Communications and Works, that the procedure that has always been followed in Executive Council to date in taking decisions has been by consensus rather by individual vote.

Madam Speaker, I detest calling the names of members of the public in this House and in the 12 years that I have been a Member, I have always resisted this but the matter of Government contracts and how they are awarded has come up time and time again in this debate. Let me say this, during the eight years that I have been a Member of Executive Council, I have never seen nor been a party to any collusion or any influence with any Member of Executive Council in awarding Government contracts. I know of nothing that has existed that has caused any specific contractor to be given a contract. I hold no brief for Hurlston Construction or any other contractor in this country but in my opinion and in my dealings, I have found Hurlston Construction to be hard working, honest Caymanians who are entitled to earn a living in this country just the same as me or anybody else. And that is the only comment I have to make in that regard.

**MR. W. McKEEVA BUSH:**

...made a comment...

**HON. W. NORMAN BODDEN:**

I am not protecting myself. I am an honest man and if you know anything about me, you can put that on the Table, but be factual. Madam Speaker, with these brief remarks I would like to say before I take my seat, that I support Government Motion No. 3/92, and when the vote is taken, my vote will in the affirmative.

**MADAM SPEAKER:**

The House will be suspended until 2:15.

**AT 12:56 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:22 P.M.**

**MADAM SPEAKER:**  
up the debate.

Please be seated. The Honourable Member for Health, winding

**HON. D. EZZARD MILLER:**

Madam Speaker, I am truly disappointed, let down, and regretful of the level of debate on this most important issue and project by the Backbenchers in this House and no one has clearly articulated that personal low level debate more clearly than the Elected Member for East End. I guess that at least they have found the correct title for themselves - Backbenchers - because unlike frontbenchers or spokespersons for groups, they can do and act in any way they wish because most people do not hold them responsible for their acts. They can spend their time rabble-raising, obstructing, spreading descent and inciting our people to march and demonstrate but certainly the country as a whole, must now accept and fully realise that amongst that group does not lie any acceptable alternative to the present Government, even in the minds of our strongest critics as their record since their coup attempt in 1989 will demonstrate that their only abilities are in the

areas of blocking, hampering, impeding and obstructing progress, especially progress of the magnitude we are talking about or they should have talked about in this project.

Especially when one considers the future Executive Council that they announced in North Side at their public meeting which they called in order to publicly castigate my character and my performance as the Member for Health and the representative of the good people of North Side. Since the Press has been so irresponsible in not naming that Government, because I think it is very, very, very important that the people of this country are aware of the Government they propose to put in place. I will take this opportunity to announce the Government identified by the Third Elected Member for West Bay and they are as follows; Tom Jefferson, without Portfolio, I think he wants to be Chief Minister, he wants to be Leader of Government Business; John McLean, without Portfolio; Truman Bodden, Minister of Health; Roy Bodden, Minister of Education; McKeeva Bush, Minister of Youth Development & Sports.

In my reply, I will make my best effort to refute, rebut and disprove most of the Backbenchers debate. It will be a difficult task unless I am prepared to get personal, as they concentrated as they usually do on the personalities involved, rather than the merits and demerits of the project to which this guarantee is being sought or to the pros and cons of the financial implications to the country. They attacked the banks and the managers of the banks. They attacked the Board Members, they attacked the construction company and they attacked me. But, Madam Speaker, such threats to the financial industry and in particular, when it is directed at three of the largest banks in that industry, who by the way, employ many hundreds of Caymanians, does not set well as to their intentions, should the country ever make the mistake and give them the opportunity to govern.

That 'swan song' of threats to the bank has been sung once before by certain Members of that same group in this country with some serious ramifications. Such actions and verbal abuse under the cloak of privilege of this Honourable House, should not go unnoticed by the electorate of this country when they are so brave and are reckless to make them during the months leading up to a General Election. Even to their support of a couple of their political cohorts writing to the banks about offering this financing to the Health Services Authority. Their attacks on the Board Member and the innuendo that they somehow used their influence with their employer to obtain this financing, which could not have been otherwise obtained, is unjustified and it is an insult to the professionalism of those young Caymanians, in the financial industry who have worked so hard for many years to reach that level of management in the financial industry. But, no one is spared their wrath when it suits their political ends.

They, as Backbenchers, should be encouraging and praising these Caymanians instead of ridiculing them and attacking them under privilege. The First Elected Member for Bodden Town, the new Minister of Education, talked about his prophetic ability and capacity. I believe he elevated himself and other Backbenchers to the status of Jeremiah. But, Madam Speaker, the only time in his debate when he had anything marginally prophetic to say was the adjectives he used to describe himself and the other Backbenchers while threatening to intimidate me and challenging me not to use those adjectives.

Madam Speaker, the adjectives he used were that they were incapable, that they were incompetent, and that they were buffoons. Madam Speaker, with my limited academics in comparison to his, I would never dare to look for more appropriate adjectives. In fact, for what it is worth, I think those words are so fitting that they should grace the cover of their manifesto which they have promised the people with those words. Let me take this opportunity to deal with some of the nasty remarks made by the Member for East End, late yesterday afternoon, which is his usual way whenever he is present. He seemed to be very upset at the way I treated the marchers for exercising their democratic right to demonstrate and display placards.

Madam Speaker, I do not think I treated them with any disrespect. I stood on the sidewalk, read all their placards as they marched by, waved to those who wished to return the wave, and many of them having a sense of humor appreciated my Stetson hat for the light-hearted way it was intended and had a good laugh themselves. I think they appreciated the humor, because in this high pressured business I am in, you have to keep your sense of humor. As you are aware, I asked the Chair that I be excused by your good self because I had another commitment at 10:30. That commitment, Madam Speaker, as I explained to you in the note, was to attend the closing exercises at the Catholic School which my son attends and in fact, I was quite pleased to be there and see him receive the award for best all-rounder in his class.

That is a commitment I consider far more important than listening to people shouting from the front step of the Assembly Building. Verbal abuse, I had given them that opportunity earlier that morning and many of them had taken it. As they got the opportunity when I returned from those closing exercises, and walked through the crowd back into the Legislative Assembly Building. I am not very comfortable in dealing with unruly behavior, and that is what it was. That is admitted by the organiser in the *Caymanian Compass* today. On the front page of the *Caymanian Compass*, that at that stage he considered it a bit out of hand. To the best of my knowledge, they were in fact, breaking the law at that point because they were supposed to have been assembled across the street. That is what their permission allowed them to do. I respect their democratic right to demonstrate, to bear placards. I expect other Members of this Honourable House to respect my democratic right not to take part in the process. As to the Member for East End's comparison to calling me John Wayne, I am honored. John Wayne was always on the side of good and he protected good, irrespective of the odds. I cannot be so generous to the Member for East End because I believe he might have been some of those people that John Wayne usually opposed.

As to his comments about how I treated nine or 10 of his political cohorts who wrote a letter claiming to be some of the most successful and professional business people in this town, I make no apology to any of them. I received a letter from the leader of the march, Mr. Norberg Thompson, January 10th 1992, in which he opposed the new hospital but proposed and I quote: "As an alternative I would suggest that if the Government feels inclined to spend money to help the sluggish economy, they should

invest in a cruise ship deep water pier and without a doubt would be self-liquidating and it would eventually be a revenue earning project. Or in addition, they could invest this money in the airport extension which will serve to ultimately provide us with direct flights from Europe which would have an improved effect on the economy."

Madam Speaker, I want the public, in particular those people who joined him in the march, to understand that this goodly gentlemen is not interested in saving the country the expenditure, he is interested in redirecting the expenditure into projects which were going to cost substantially more than the \$18 million here. On the 22nd of January 1992, I replied to that goodly gentleman regarding his idea of building a cruise ship pier and extending the runway which was among other comments in his letter, and this is what I said: "I find it interesting and somewhat puzzling that you would support spending money on two projects - 1) cruise ship deep water pier and 2) extension of the airport runway to accommodate European traffic. Both, I believe, would be somewhat more costly than a new hospital. I am glad you have determined that both these projects would be self liquidating and eventually be a revenue earning project. However, I wonder how much research, planning, costing or economic analysis was done on either of these projects or is this only the developers opinion based on opportunity economics?"

And, Madam Speaker, the Backbench come here and put their innuendo on my lap about my friendship with the Hurlstone brothers. Check the owners of property and other associations with uses of airport, who are getting subsidised airfares on Cayman Airways to get his medical aid in Miami and he is travelling. In addition, the four Elected Members of Executive Council met with Mr. Norberg Thompson, for better than three and half hours to discuss this project in April of this year. His words at the end of that meeting were he was a converted man, one side of a story was good until he heard the other side. He had heard facts and information in that meeting that he had not been aware of, and as a result he now supported the Hospital project.

I invited him at that time to bring the three people who had signed the letter in the New Caymanian, along with him and anyone else that he chose to bring, for the same open and frank discussion. For whatever reason he has never taken up the invitation. Instead he organised a group to go and pressure the First Elected Member for Cayman Brac not to vote for the project. He was not interested in the facts. He has his own political agenda and his present position is a complete flip-flop from what it was a year ago when he wanted a Post Office.

I have sat here for a week. All kinds of insults and innuendos were hurled at me. I behaved myself and I kept quiet. I would respectfully and humbly request the same respect from those others who constantly seem to interrupt when other people are speaking. Let me try to deal with some of their concerns and in the interest of time, I will try to deal with them collectively as much as is possible. First of all, let us look at their collective claim that there is no need for additional beds in the Cayman Islands. And, Madam Speaker, for that position they relies on a document prepared by some unemployed accountant for that politically motivated body that masks itself as a group of professionals under a title, "Cayman Islands Medical and Dental Society", (CIMDS), on what they claim are accurate statistics. They, and the Backbenchers, who have used the media to spread this misinformation, claim that the projections of the Health Services Authority are not based on fact and there has been a great decline.

graphs that indicated this decline.

The Second Elected Member for Bodden Town produced They made a great deal of those graphs, also prepared by that unemployed accountant, Gordon Barlow, whose immigration status in this country is as a dependent of his wife, their claim demonstrate a decline in services demanded at the hospital from 1985 for 1991. Let us look at the facts. Members will notice that when the Third Elected Member for George Town was speaking, he picked up a green book, he turned to a page and he dropped it like a hot potato. Then he went back to Mr. Gordon Barlow's incorrect figures. This document is not produced by the Health Services Authority, this is the 1991 Cayman Islands Compendium of Statistics, published by the Government Statistic Office, 4th Floor, Tower Building, signed in the foreword by the Financial Secretary. Prior to this 1992 issue, signed by their rising star, as they call him in the political arena and this is what it says.

Madam Speaker, this document deals with 1982 to 1991. It deals with total discharges both in Grand Cayman and Cayman Brac:

"Total Discharges

1982 - 2,097  
1985 - 2,701  
1987 - 2,851  
1988 - 3,164  
1989 - 3,338  
1990 - 3,412  
1991 - 3,696."

Madam Speaker, there has been an increase every single year, not one decline.

"Major Operations

1982 - 326  
1985 - 349  
1987 - 400

1988 - 488  
 1989 - 439  
 1990 - 491  
 1991 - 540."

There has been a constant and steady increases, no declines. Minor operations followed the same trend.

"Minor Operations

1982 - 547  
 1991 - 1,029."

Not a single year is there a decline.

"Out-Patient and Casualty Visits

1982 - 32,788  
 1985 - 38,506  
 1987 - 38,409."

A decline. Why? In Cayman Brac in 1987 we had a decline over 1985 from 5,613 in 1985 to 4,813 in 1987. In Grand Cayman it went from 32,893 in 1985 to 33,606 in 1987. But you see them down here, all over this Island they have been with these graphs - a decline in services from 1985 to 1991. District Clinic visits, similar increases. School Clinic visits, similar increases; home visits, Dental Clinic visits. On the next page, people admitted to hospital:

"People Admitted to Hospital

1975 - 1,252  
 1980 - 1,739  
 1985 - 2,515  
 1987 - 2,609  
 1989 - 3,042  
 1990 - 3,107  
 1991 - 3,361."

But, there is no increase in demand for services. Any member of the public can go to the Government Information Services and get a copy of this document and check the facts for themselves.

I submit that those statistics clearly indicate an increasing demand and an increasing use of services at the hospitals in the Cayman Islands over the period in question. Let us look at this provision of beds in comparison to other countries. I know the Member for East End said that this is an illegal comparison and it should not be done. But again, these statistics are not compiled by the Health Services Authority, this is a magazine published by the Pan American Health Organisation, the World Health Organisation in association with CARICOM.

Under the section that deals with health resource indicators we have a clear analysis and these are the countries that the comparison is made with - Anguilla; Antigua and Barbuda; Bahamas; Barbados; Bermuda; British Virgin Islands; Cayman Islands; Dominica; Grenada; Guyana; Jamaica; Montserrat; St. Christopher, Nevis; St. Lucia; St. Vincent in the Grenadines; Trinidad and Tobago; Turks and Caicos Islands. This document deals with several areas of health resources. It deals with the number of physicians per 10,000 inhabitants. Cayman is well placed, it is No. 2 in the number of physicians. That is why the hue and the cry by the CIMDS, which was quoted by the First Elected Member for George Town about the possibility of general practitioner clinics.

Dentist per 10,000 inhabitants, Cayman Islands is No. 3 out of 17. Nurses per 10,000 inhabitants, Cayman Islands is No. 4. Number of hospital beds per 1,000 inhabitants, Cayman Islands is No. 15. But we do not have any need for additional beds in the Cayman Islands. The night the CAL jet went in the water we had three beds available at the hospital. It is my understanding that the World Health Organisation and the Pan American Health Organisation recommends some 20 to 25 per cent additional capacity above peak usage, in terms of the beds that should be available on a country basis to deal with major accidents and epidemics. Nobody is saying, as put forward by the Member for East End, that we must have a hospital that if American Airlines crashes with 175 people on board, we must be able to accommodate them. Nobody is suggesting that. But, Madam Speaker, I believe the statistics and the figures I just quoted clearly demonstrate the need for additional bed capacity and also improved clinical capability in this country.

Health care provisions on a national basis is never really appreciated until one needs it, because you do not normally plan to get sick 'X' number days a year, this hospital has been two years in the planning and it is going to be another 18 months in construction and commissioning. These facilities cannot be provided overnight. Let me remind the public that all too often our hospital is filled at capacity. It is truly unfortunate when people are being advised and paid or cajoled into taking actions which affect themselves but really will not affect those people who are leading them down the garden path. I do not know how

many other people have seen Mr. Norberg Thompson, Mr. Kent Eldemire and Mr. Billy Reid up there using that hospital. I do not know who else has seen but I have not seen them very often using it. But they are the ones that are inciting the very people who are going to need that facility to demonstrate against it. They regard themselves as having the economic capacity and can afford to avoid using that institution for their health care. They are not worried about the common man. They use them to kick a little political stink because it suits their purposes but if they thing that when they need to go somewhere else for health care they are going to pay the bill, ask them.

Let us put this whole CIMDS document, what they call a critical evaluation in perspective. It is my understanding that that same unemployed accountant is issuing written apologies all over town to bail himself out. It is my understanding that he has delivered an eloquent and elaborate apology to Ernst and Young for the comments he made in that document. These people are relying on that kind of individual to determine whether the Caymanian public needs additional beds or not. When he is ready he will pack up and go back to Australia, so that puts the whole credibility of that document in perspective. Madam Speaker, another common concern around which they wrapped their undignified debate was that the country cannot afford it. They made wild unsubstantiated accusations that the country was in financial ruin. Of course not one of them gave any figures on which their claim could be based.

Both the Member for Communications and the Member for Education gave the figures of the public debt of the Cayman Islands as of the 31st of March 1992. Unfortunately, for the Member for East End, one gave the figures as components of the total and did not give the total. The other gave the figures as components and supplied the total. He therefore interpreted that they were contradicting each other and he was totally befuddled. But that is understandable because he is not normally here at four o'clock in the evenings. It is only now since he has gotten opposition in East End that he comes early, leaves late and he speaks on anything that crosses the floor.

**MR. W. McKEEVA BUSH:** On a Point of Order, Madam Speaker. Do the records show that the Member for East End is never here at 4 o'clock in the evening?

**MADAM SPEAKER:** That is not a Point of Order, Honourable Member.

**MR. W. McKEEVA BUSH:** Well he is misleading the House and that is certainly in the Standing Orders.

**MADAM SPEAKER:** Honourable Member would you proceed with the debate?

**HON. D. EZZARD MILLER:** Madam Speaker, the Financial Secretary in answer to questions this morning, confirmed what the Member for Education and the Member for Communication had said. He gave the total cost of servicing the public debt and the self-financing loans to be \$5,539,905 or 4.4 per cent of the recurrent revenue of this country. Madam Speaker, that is greater than 50 per cent below what the Backbenchers recommended as a comfortable figure last year of 10 per cent.

The Health Services Authority put forward projections based on historical trends applied to current date statistics and projected forward, plus the new added services that will be introduced when the new hospital is completed and on the fact that with the National Health Insurance passed into law in March, Regulations before this meeting, that the Health Services Authority will be paid for the services it performs. We were open and honest with our projections and those projections, which were published by laying them on the Table of this House, included a Government subsidy. No one has ever said that we expect the Health Services Authority to operate free of Government subsidy. It is in the financials - 1991, \$7.4 million; 1993 remains at \$7.4 million; 1994 it goes down to \$6.4 million; 1995 goes down to \$5.4 million; 1996 it goes down to \$4.4 million; the level of which we expect the cost of the Public Health Services, that is, maternity, child health care programmes, immunization programmes, well babies clinics and all the services provided by the Public Health, school health etcetera, to cost in 1996. After that it is converted to a contract between the Health Services Authority and the Government for the services provided under the Public Health aspects of health in the country free to all members of the public, and it goes back up to \$5 million in the year 2001.

The Health Services Authority's revenue records from May to June 1992, as compared to May to June 1991, show greater than 100 per cent increase in actual cash collected at the hospital. If all of the services, which we had provided at the hospital in January 1992, were paid for as is expected under the National Health Insurance programme, that income would have been somewhere in the region of \$800,000 for that month, or to extend it \$9.6 million for the year 1992. We have budgeted \$4.6 million in the financial projections for 1992.

The fact is, if the Health Services Authority only succeeded in keeping the Government subsidy at \$7.4 million, it would be a tremendous savings to central Government. If we did not create the Health Services Authority, what would it cost Central Government? In 1991, it was \$11.9 million; 1992 it would have been \$12.1 million; 1993 \$14.7 million; 1994 \$18.5 million, 1995 \$20.6 million; and 1996 \$23 million because, under the old system all of the expenditures for health services came out of central revenue and, what are we taking from central revenue as opposed to the \$23 million in 1996? Four point four million dollars.

Even if we maintain the subsidy if we were not able to reduce the subsidy and we kept it at \$7.4 million, we are still a lot better off than \$23 million because they are all crying for increased services. But through some magic process, whenever the Backbench asks for a road or a building or a service, it is no cost to Government. Only when the Government brings it that there is any cost. Without the Health Services Authority and without the National Health Insurance put in place, that is what the expenditures are projected to be. Do not tell me that it does not make sense to set up the Health Services Authority to build a new



cost efficient, staff efficient, cost-effective operating hospital because if they keep the one they have and they do not build a new one - you heard them this morning talking about their great success in stopping the Master Ground Transportation Plan (MGTP). Yes, they stopped it. What has it cost the country?

We have spent the same money every year, the money was in the budget when they stopped it to do what was necessary under the long-term MGTP in 1990. They spent the money. Do we have any road plan? Do we have any road corridors reserved? No, and we have spent the money every year since. If you do not build a hospital, they are going to spend the money every year, the same way. So there is not going to be any savings to Government and maintenance-wise, it is going to cost you more. The financials also include in Note (c) \$4.5 million in capital expenditure out of recurrent funds from the Health Services Authority. Some days ago there was a letter in the paper from a nice lady in West Bay, Miss Myrtle Rivers, expressing some concern about the district clinic in West Bay and the need to improve the West Bay Clinic. She has a legitimate concern and I can appreciate and sympathise with her. But had it not been for the Third Elected Member for West Bay and the First Elected Member for West Bay, in conjunction with the Backbenchers who removed the \$800,000 that was in the 1990 Budget to start the new hospital, we would have been building her district clinic for her this year because it is in these financials. This is what note (c) says.

**MR. W. McKEEVA BUSH:**

Why did you not do it in 1991?

**HON. D. EZZARD MILLER:**

Madam Speaker, this is what the note for that \$4.5 million in capital expenditure in this published document says: "Capital expenditure have been based on the Authority's future plans for district clinics. In 1993, an estimated \$1.5 million will be spent for a clinic in George Town and \$1.5 million will be spent for a clinic in West Bay. In 1994, an estimated \$500,000 will be spent for a clinic in Bodden Town and \$500,000 will be spent for a clinic in East End. In 1995 an estimated \$500,000 will be spent for a clinic in North Side." These expenditures are subject to negotiation with an approval from Central Government as to the use of the positive cash flow for operations for the years 1993, 1994 and 1995. We have not hidden anything from anybody, Madam Speaker.

They took the money that was in there for the hospital in 1990, built slaughter houses and private driveways. The Budget shows it. They brought many questions and motions to this House about road works in West Bay. I have not seen anybody improving the district clinic.

**MR. W. McKEEVA BUSH:**

Check the *Hansard*.

**HON. D. EZZARD MILLER:**

Madam Speaker, I can assure the people of West Bay that the Health Services Authority have plans to improve the service to the people of West Bay, including 24 hour service at their clinic, now that it has been unmasked and unshackled from Tom Jefferson's financial control.

**MR. W. McKEEVA BUSH:**

This is an election year, that is not going to help you.

**HON. D. EZZARD MILLER:**

Just watch for the action during the next couple of months. Now, Madam Speaker, a certain Caymanian doctor in association with some foreigners who have no such influence in their own country, have said that these projections by the Health Services Authority are all wrong. Most of them, if they could get access to their respective Ministers of Health in their home land, would be asking for improved facilities in their country. Here they are getting involved in the political process in my country and telling Caymanians they do not need it, while in the same breath they are producing documents for the Health Services Authority Board where they ask for between 300 and 500 per cent increase in salary. But they are concerned about the finances of the country and the Health Services Authority. We cannot afford the hospital, we do not need it but we can pay them a 300 to 500 per cent increase in salary.

Let us give them the benefit of the doubt. Let us say the Health Services Authority is off by 25 to 30 per cent in their projections. In that same critical analysis the CIMDS laments the fact that the Health Services Authority has grossly underestimated the income from the support services, X-Ray lab and pharmacy. There is a simple reason for that. The statistical data does not exist without some long-term analysis and time consuming to predict the average cost of a prescription at the hospital. So what did we do? We took the ultra-conservative way and we valued it at \$1. Now, everybody knows that you cannot go to the hospital and get a prescription for \$1. We did the same thing with X-Rays, we did the same thing with lab tests, so we might be wrong. They are projections, I do not have a crystal ball on patient days.

All we have to do to decide that is to not spend the \$4.5 million that we have projected there for capital or finance it through additional loans or some other means. Is that reason enough for them to have conducted the public campaign as they have done? I said, when they first went public, that it was politically motivated and that the President was using that professional organisation to launch his political career. Everybody told me that I was attacking him - that I did not know what I was talking about. What was he doing in Cayman Brac a couple of weeks ago on the Backbenchers' platform and threatening the Member for Communications to declare and take his seat away in George Town? I challenge him to produce one item that I have placed in his way for his new hospital. He has gotten nothing but encouragement from my Portfolio. I provided the data for his architects - the standards that they did not have - from which to design the hospital -- free of cost, out of courtesy. We held up the planning process for the Government Hospital one year waiting on him to get started.

Madam Speaker, I had my first meeting with that gentleman and Dr. James Burrowes in 1979 to try to put together a private clinic. They could not even agree on the name. So, Madam Speaker, it is quite clear that their objection is not that we do not need it, because if we do not need it, why

he is going to build 30 beds? Their objection cannot be substantiated that we cannot afford it, or that it is not feasible. The published Government statistics say otherwise.

My position is (and that has been confirmed by the President) that their opposition is politically motivated and it is self-serving. With his record of behaviour he should stay out of the race because it is not good - straight-jackets in Cayman Brac - punching down pregnant women at the Hospital. Some Members have had a hay-day on my attack on the good professional doctors at the hospital and the statement I made on CITV. I quantified and qualified the opposition to that into three categories. Those same individuals spend a lot of time criticising the doctors' performance to me, but they used it and twisted it to suit their political gain. From now on when they have complaints about the doctors . . . do not tell me verbally, put it in writing. They want them fired, then when I fire them they come and tell me that I am a dictator.

The day I took up this office I pledged to raise the standard of health care in this country. We cannot sweep those problems under the rug any longer. We have some of the finest health professionals in the world in this country. We have people in this country who have made great contributions to the advancement of health care in this country, but we also have some that need to move on and make room for better people. There is nothing wrong with that! That exists in any organisation anywhere in the world.

The members of the Cayman Islands Medical and Dental Society have allowed their president to destroy its credibility as a professional organisation both in the eyes of the public and the Government by furthering his own political and economic ends. During my first two years in office in dealing with the CIMDS and its president, we had many discussions and disagreements. They were not published across the media. Do you know who the president was then? Doctor Beukenkamp. They were the two presidents of the CIMDS I have had to deal with in four years - Dr. Beukenkamp and Dr. Steve Tomlinson. Who can have faith in a document published by an organisation that is so inaccurate and produced by an unemployed accountant who has to apologise for what he said in the document? Only the Backbenchers could put faith in something like that.

Let me put the statement by one Dr. Clarence James in perspective because Members have laid great credit to that statement. But first of all, he should have had more courtesy to another Government than to make such an irresponsible statement. Secondly, he is an imminently qualified doctor and has contributed to the development of the health care system in Bermuda, but he has no financial qualifications and his record as Finance Minister of Bermuda speaks for itself. Thirdly, he was paid handsomely for that statement. It cost the CIMDS \$1,400. Put this in perspective - peanuts to you.

*(Interjections from other Members - inaudible)*

**HON. D. EZZARD MILLER:**

Another common area of attack (not on the project, but on what they do best - the personalities involved) was that the selection of the successful tender and the bidding process was not handled by the Central Tenders Committee. This was the area they reserved for the greatest personal attacks, innuendo, and bold suggestions. Madam Speaker, there were three simple reasons why the Central Tenders Committee was not used and why the process was done by the Health Services Authority Board. First of all, standard practice by all Government Authorities - Water Authority, Civil Aviation Authority, Port Authority whether the loan for the contract was subject to Government guarantee or not - and the Health Services Authority should not be any different. Secondly, the rules and Financial Stores Regulations (as they apply to the tendering process) do not allow the Health Services Authority to do what it did in giving the public the total picture and the full story of the bidding process; for example, naming the bidders and the amount of each tender.

This is what Chapter 8 of the Financial and Stores Regulations says. This chapter deals with tenders, contracts, local and overseas purchases. Under (h) this is what it says and I quote: "The minutes of Tender Committees and the details of unsuccessful tenders will be treated as confidential and information concerning them will be dealt with on a "need to know" basis. Apart from the information published in the Gazette in no circumstances will information regarding a tender, either successful or unsuccessful, be divulged to another tenderer.". Madam Speaker, this is championed by their rising star again. Why? I was quite pleased to hear the new Financial Secretary say he is going to change that rule and we have been trying for three years to get it changed so we can tell the public the whole picture.

The third reason: One of the contractors that I encouraged to bid on this project is a long-standing member of this committee, and while I know he is honest and would not have taken part in the discussion, had he been the lowest tenderer (as he intended to be) and been selected, the nasty bunch in this House would have had a field day. They have tried to insinuate that the Health Services Authority Board should not have conducted this whole tendering process and selected a successful tenderer because of a commitment given in a Government Minute tabled in March. The terms and conditions of the tendering process for the hospital in Grand Cayman and the addition to Faith Hospital in Cayman Brac, were decided in early January - long before the 19th of March - and those documents were in the hands of the contractors who were bidding on the project.

The Third Elected Member for West Bay, the First and Second Elected Members of Bodden Town had much to say about this process and the analysis conducted, what interpretation I could give to it and what I could not give to it; and what I could prove and what I could not show. All, Madam Speaker, without the benefit of the facts, as usual. Pure conjecture! Let me give the public the details of the analysis and then I will table it so they can have copies. This is the tender analysis, 20th of May 1992:

	Prebid	Hurlstone	Hadsphaltic	McAlpine
Substructure	1,005,608.00	538,614.00	769,277.00	515,309.00

			Incl.	Incl.
Concrete	66,386.00	70,657.00		
Masonry	1,091,604.00	763,524.00	229,465.00*	732,649.00
Metals	637,138.00	647,509.00	694,174.00	2,557,792.00
Wood & Plastic	312,014.00	338,229.00	318,669.00	333,354.00
Thermal & Moisture Protection	1,052,813.00	1,534,004.00	1,766,085.00**	Inc. in Metal
Doors & Windows	488,488.00	624,464.00	650,578.00	668,436.00
Finishes	1,135,439.00	1,002,550.00	1,156,841.00	1,504,410.00
Specialities/ Furnishings	127,076.00	160,103.00	223,172.00	207,927.00
Electrical	1,318,237.00	1,227,250.00	1,679,826.00	1,770,326.00
Mechanical	2,339,751.00	3,481,000.00	3,359,653.00	3,540,652.00
Dayworks	27,000.00	-	37,560.00	45,400.00
Site Works	1,246,756.00	895,287.00	1,039,315.00	1,031,419.00
<b>Sub Total</b>	<b>10,908,310.00</b>	<b>11,283,191.00</b>	<b>11,924,616.00</b>	<b>12,907,674.00</b>

\* Excludes metal siding etc.

\*\* Includes metal siding etc.

Now, Madam Speaker, notice that in the sub-totals of the elemental costs, Hadsphaltic is only 5.68 per cent above Hurlstone Construction. McAlpine is only 14.39 per cent above Hurlstone Construction. Now we get to that wonderful thing called General Condition/Preliminaries. I said profit - one contractor got very upset. Hurlstone \$463,000; Hadsphaltic \$2,334,119; McAlpine \$1,464,258. For the total of their bids - in the case of Hurlstone \$11,747,191; Hadsphaltic \$14,258,735. Madam Speaker, those accusations by the First Elected Member for Bodden Town and the Member for East End - that I somehow gave Hurlstone Construction one set of drawings and Hadsphaltic a different set of drawings and different sets of specifications - cannot be borne out by these figures. In the elemental costs there is only a 5 per cent difference. I can assure the people of this country and Members of this House everybody got the same exact documents - 150 pages of drawings and some 500 to 600 pages of individual specifications.

I even went one step further and we had a pre-bid conference with them and it did not matter whether Hurlstone asked the question, Hadsphaltic asked the question, McAlpine asked the question, BCM Cape asked the question or Arch & Godfrey in association with Jones, asked the questions. All five of the contractors were circulated with the questions and the answers to eliminate the possibility of anyone saying one had more information or was smart enough to ask the right questions. I offer this (copy of the tender analysis) for public information. I believe that to be one of the most detailed analysis of tenders done by any Government or Statutory body and certainly more information has been placed before the public's eye on the award and the selection of this successful tenderer than ever in the history of the Cayman Islands on any contract whatsoever. I hope that the remarks of the Second Elected for Bodden Town are taken seriously and that this is the precedent that is set and henceforth and forevermore any tendering process publishes all of the information.

Madam Speaker, I do not deny that John and Robert Hurlstone are my friends. They are. But if they had any inside route as to what was going on, why would they leave \$2 million on the table? That in itself is proof positive that they had no such inside information and they knew that if they wanted the contract they had to put in the best possible bid. And that is what they did. Madam Speaker, I will not be like the disciple Peter amongst those Backbenchers and deny that they are my friends for convenience. Everything I have done in my Portfolio for the last three years is subject to public scrutiny. No impropriety can be found. I was raised an honest man by my parents and I take great exception when people suggest otherwise.

**MADAM SPEAKER:**

The House will be suspended for 15 minutes.

Honourable Member, would you take a suspension at this time?

**AT 3:45 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:06 P.M.**

**MADAM SPEAKER:**

Services, continuing the debate.

Please be seated. The Honourable Member for Health Social

**HON. D. EZZARD MILLER:**

Thank you, Madam Speaker. When we took the break we were dealing with the bidding process. Now, let me make it quite clear that this whole bidding process was handled by the Consultants to the Health Services Authority, Ellerby Beckett, and the quantity surveyors of JEC in association with IMMP International.

They sent out the documents, answered all the technical

questions, the Committee of the Health Services Authority Board set up for the specific purpose of dealing with the tender, attended the pre-tender conference and tended the opening of the bids, passed the bids after it had been determined that each bid had been acceptable to the consultants to do this detailed analysis. They made the recommendation to the sub-Committee of the Board, which the sub-committee of the Board accepted and made a like recommendation to the whole Board which was also accepted.

Now, Hurlstone Construction Company, because they were the successful bidder in this exercise, has come in for much undeserved criticism. To the best of my knowledge, all work performed under contract by Hurlstone Construction to the Cayman Islands Government, whether to Central Government or to one of the Authorities, like the Port Authority, or in this case the Health Authority, or the Civil Aviation Authority, have been won exclusively through the competitive bidding process. Not a single contract was negotiated with them. In every case where they have been awarded a contract, whether it was to build a Port Authority Building, to repair the Dock, to build a Community College, to build the Infant School in West Bay, and in this case to construct the new hospital, they won that contract through a competitive bidding process by under bidding, by putting in the lowest bid in everyone of those instances.

The information I have is that in that process the differential in all of those contracts between their bid and the next highest bid, total some \$3+ million that was saved by them putting in the level of bids that they did to the people of this country. Should they be chastised and ridiculed by Members of Parliament for saving the people of this country, collectively through the competitive bidding process, over \$3 million? To the best of my knowledge, every contract that they won through that bidding process was completed on or before time, within budget, and the quality of the workmanship has been as good as, and, in some cases, superior to other contractors which Government have hired. And, Madam Speaker, they are Caymanians.

The First Elected Member for Bodden Town lamented the fact that he could not understand how a little local company like them could out-perform and compete against such giant international firms as Hadsphaltic and McAlpine. Maybe it has to do with the fact that they are a local firm and they do not have to bear the cost of offices all over the world and head offices in London or somewhere else. Maybe that is the genius to their success but they should not be faulted for that. The question I have is: Can the Backbenchers, in particular those who formed the Government from 1976 to 1984, say the same thing as I can stand here and say about my friends the Hurlstone brothers getting the hospital contract? About their friends getting the airport contract? The information I have is that that was awarded to one company some half a million dollars higher than the lowest bidder.

I have tried up until this morning to get the records from the Archives of Executive Council but they are still barred under some confidential thing, but just maybe, just maybe, some day those records of that transaction will reach the legal limit of their confidentiality and be released to the public. Those people must stop measuring my corn by their bushel. They claim I have not done anything in three years in this Portfolio. Now that is the one thing they cannot successfully claim, that I have not done anything. They might disagree with what I have done and how I have done it, but certainly Madam Speaker, the record and the standard of performance in getting things done that I will leave behind in this Portfolio, will set a very high standard and some lofty targets in terms of getting things done for any person who follows me in this position.

The First Elected Member for Bodden Town said that if he had a full performance bond he could support the project. Let me explain to him how the performance bond that we have is going to work and then I invite him, having heard that explanation, to vote for the project. Oh, I know that was just another inconsistent promise. I was not expecting him to vote. But, Madam Speaker, the performance bond is \$1 million. This is not a case where the Health Services Authority is going to prepay Hurlstone Construction to do work. They will have to complete the work out of their own pocket, they will have to have the work certified by the quantity surveyors, the consultant architects, engineers and the project manager hired by the Health Services Authority as to having been completed in quantity, quality and substance. And, under the contract they might still have to wait 15 days to get paid.

So at any time that we make a payment to Hurlstone Construction under this contract that work would have been completed and the volume of the work and materials and stuff that they will have to have on hand will exceed the million dollars in bond. If they fail, we will have had the work completed, we will have the material on site, for which they have not been paid and we will have a bond for a million dollars.

The country and the fund is well protected but I do not expect the First Elected Member for Bodden Town to vote for it. That was just another one of his red-herrings that he is dragging across the stage trying to make people believe. Madam Speaker, when it comes to disappointments, as he claims people have in me, I believe if and when he leaves these hallowed halls, he will have the distinction of being the greatest example of disappointment in terms of expectations from the people and what he actually did as any person who passed through these halls.

He also put the international auditing and accounting firm, Ernst & Young into some stake and he said he had reason to believe that we should have it checked again. Madam Speaker, I am quite comfortable with the firm of that reputation having certified it and let no-one be fooled by that little paragraph read by the Third Elected Member for George Town where they qualified the audit. That is standard procedure on any audit performed by any company anywhere in this good world today. The reason for that is because they have people like lawyers, like him, coming behind ready to sue them. That is why they have to make that qualification and he knows that. But he put that out as if that is the only audit they had ever conducted that they qualified in that way.

As far as the remarks made by the First Elected Member for Bodden Town about 'champagne parties'. . . , well, for somebody to speak that convincingly he must have been there. And if he was there, he would have known he would not have seen me there because I was at no champagne

party. The Member for East End in talking about the inability of this company to perform the work suggested that Hurlstone Construction could not complete the site works because we had given him an estimate of approximately two feet of mud and his evidence had that in some places there were eight to 10 feet of mud.

Madam Speaker, Hurlstone Construction is not concerned with the site works. That is a separate contract altogether given and the successful tender to this point, no contracts have been given, is Scott Industries. I have to turn to what I regard as the more unpleasant part of my reply in that I have to deal with their individual nasty comments and set the record straight. Some of it, as I said earlier where there was common comments, I have dealt with. The Second Elected Member for Bodden Town had much to say about the National Health Insurance; that I had no agreement; and I had come here and lied to Parliament because I told them it was under \$50. Since he spoke, he has a copy of the Health Insurance Draft Regulations which sets the premium at \$45 and he knows that the National Health Insurance Law does not concern itself really with people over 65. It talks about people in employment and the onus is on the employer to provide the insurance for the employee.

Of course, in our country, because people like him and the Chamber of Commerce objected to the national pension legislation, we could not get that through, they have to work here until they drop dead. They are not privileged to retire and have a pension because that thing that they are talking about now under the Chamber of Commerce, I give it five years and that little savings account is not going to solve the problem and it is going to be defunct just like their health insurance was when I told them five years ago, it could not work. Today ask the people who paid now and cannot get any coverage.

Madam Speaker, the Law does not require me or this Parliament to have a signed agreement from the insurance companies saying they accept the premium. The responsibility of this Parliament is to set that premium based on advice from the Health Insurance Commission in consultation with the health insurance providers. Could anybody expect that we are legislating compulsory health insurance which is probably some \$18 - \$19 million in premium and we are going to allow the insurance providers to dictate what the premium is going to be? Of course he would much prefer to save his beloved little airline, Cayman Airways, than to provide good health facilities. But we are going to do both, he will have that opportunity when the time comes to save his beloved little airline.

Had they done in 1978 the kind of research and projections that was done on this hospital project, we would not be in the mess we are in today. A couple of them claim that this hospital we are building is not going to have any medical equipment in it. That is the document that went to the construction companies for that equipment which is going to be installed. This is the document for the individual pieces of equipment. A couple of pages long and each piece of equipment is detailed by specification, manufacturer and part number. But they are the doctors.

Madam Speaker, the happiest day in a medical equipment salesman's life when it comes to selling medical equipment is when he has to sell to a doctor because I have been a medical equipment salesman and if it is anybody that can be snowed on medical equipment, it is doctors. We are not talking about lawn mowers you know. And, Madam Speaker, he was also extremely concerned about the difficulty in building these curved walls and some contractor had told him that it was almost impossible to do and it was such a waste of money. That curve is nothing but a series of straight lines. All I can say is, I am glad that contractor did not get the contract.

The Third Elected Member for George Town, spent a lot of time convincing himself that I had actually issued a contract as opposed to announcing who the successful tenderer was going to be. But he knew, he had even convinced himself and I found it very interesting in what he had to say about Cayman Brac. I am going to deal with that separately under the need and the plans for Cayman Brac and I am going to remind him of all of those 'no' votes that affect the same project that he wants completed now. All of that stuff he brought up about the Lions Eye Clinic and the lazer and how he knew the lazer was on the Islands and the money was sitting there and it was me that was keeping them from spending it. He should talk to the last two Presidents of the Lions Club.

A great revelation by him, his great concern that if I am going to reuse the facilities at the present hospital for other things like AIDS and Cancer hospice, it is going to be so expensive and difficult to convert because he said, that I was going to have to make all these changes for this intended use. The truth of the matter is, to convert the maternity ward, as we intend to do, to an AIDS and Cancer hospice, we do not even have to change a curtain or move a door. It lends itself perfectly to a seven bed AIDS and Cancer hospice, with rooms inside where terminal patients sick with AIDS and cancer can meet their Maker in peace without disturbing the other people.

The First Elected Member for West Bay gave a list of medical equipment that was not being provided and stated the cost and said there was no way that it could be done for what we said it was going to be done for. All I can say to that Member is that the equipment has been put out to tender, we have received the tenders on the budget, we have selected the vendor. If he thinks that includes the equipment, wait and see. I can assure him that it is included but I would never agree to allow any of the physicians in this country to do cardiac catheterisation in this country. A very risky procedure and one where you need back-up that must be available if you need it. As long as I am the Member for Health, that procedure will not be done in the hospital that the Health Services Authority Board controls in the Cayman Islands.

The First Elected Member for Bodden Town started off by saying that if we were playing cricket he would have been called the night-watchman. I do not know whether he was playing cricket or he was not debating the motion but he certainly was surrounded by darkness. He postulated that the average person in these Islands, is born, lives their life and dies and does not spend three days in the hospital. Most of them born in the hospital now, spend three days before they get home.

- MADAM SPEAKER:** Honourable Member, it is now 4:30.
- HON. D. EZZARD MILLER:** Madam Speaker, I would be finished in about 15 minutes if the House wanted to continue.
- MR. W. McKEEVA BUSH:** Madam Speaker, I move under Standing Order 38, that the question be now put.
- MADAM SPEAKER:** I am not going to accept that motion, Honourable Member, because the Member has not finished his winding debate up on this Government Motion. I will put the question if it is moved by the First Official Member that we might stay for 15 minutes or if you want to adjourn. The House will decide.

### SUSPENSION OF STANDING ORDER 10 (2)

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move that Standing Order 10(2), be suspended in order to enable the House to continue until the debate is completed.

**MADAM SPEAKER:** The question is that Standing Order 10 (2) be suspended in order that the Member may conclude the debate on this motion.

**QUESTION PUT: AGREED BY MAJORITY**

**STANDING ORDER 10(2) SUSPENDED TO ENABLE GOVERNMENT MOTION NO. 3/92 TO BE CONCLUDED.**

**MADAM SPEAKER:** The House will accordingly continue until the Member is finished his debate.

**HON. D. EZZARD MILLER:** I am grateful to Members of the House and yourself for the opportunity to finish this afternoon. I have already dealt with most of what else the First Elected Member for Bodden Town had to say in the various areas because he concentrated most of his debate on the tender process and how it was done.

Let me, in the interest of time of the House, deal now with the project and what it means to the people of this country. First of all, let me deal with the smallest part, that is the new in-patient section to the Faith Hospital in Cayman Brac. The First Elected Member of Cayman Brac dealt extremely well with the needs of the people of Cayman Brac and how it will be met. But let me repeat and endorse his statements.

He gave the history of the Hospital and how it was designed and how it was built. He also indicated that they had at the present time a number of beds. What are we doing in this addition to the Faith Hospital? We are taking the female ward from three beds to four beds and the cost of building a ward of three beds as opposed to four in a project of this nature is almost insignificant. We are taking the male ward from three beds to four beds and we are providing a two bed paediatric room. There are no paediatric beds at the present time.

We are providing a two bed recovery area, there are no recovery rooms at the present time. They now use the ordinary beds and they had some recovery area there but they have had to use it because of pressures from the community to provide other services. We are providing two intensive care unit beds, presently there are none. We are taking the private rooms from two to four. And that is how we come to the 18 beds, Madam Speaker. All necessary, in particular, in an aging community and with the prospect of development and influx of residents.

The Backbench have suddenly found a great love for Cayman Brac and they want to take the \$1.5 million out from the \$18 million and vote separately in favour of the Cayman Brac situation. But the reason why they are combined is because the whole health care facilities development programme is a programme of the Health Services Authority and the two must go hand in hand. Just out of interest, Madam Speaker, and to remind the people of Cayman Brac what the Backbencher's record is on Cayman Brac, (and it is a dismal record). They voted 'no' against the money to build the Old People's Home; they voted 'no' against the money to buy the land on which we are going to expand the hospital; they voted 'no' on the Health Services Authority, (HSA); and it is the HSA that has done all these improvements in terms of specialists visiting Cayman Brac, the improvements in physicians, we now have a lady obstetrician and gynecologist in Cayman Brac. That would not have been possible without the Health Services Authority because of the austerity measures in Central Government in terms of creating new posts.

They voted against free medical for the Seaman and Veterans Association. My interpretation of what the Third Elected Member for George Town said about their revenue and expenditure is the same as the First Elected Member. He talked at length about them being saddled with paying the \$16 million loan for Cayman. The people in Cayman Brac know that the hospital in Grand Cayman subsidises the hospital in Cayman Brac. In my opinion from what he said, he indicated that they should be limited to the revenue they generate. In other words, we must cut their budget by 80 per cent. Their new found love for Cayman Brac lies only in political expediency, trying to get a few votes for their candidate, Mrs. O'Connor, who also opposes the hospital being built in Cayman Brac and has been in the media criticising what this Member is doing for the people of Cayman Brac. But, Madam Speaker, I hear they call her the 'Iron Lady'.

I do not need to remind the Cayman Brackers of what my stance has been in terms of the subjects under my Portfolio and what I have tried to do for Cayman Brac in my three plus years tenure in this Portfolio. They are well aware of that. Let us look at the new hospital in Grand Cayman. Several of those Members talked at length about the cost of filling this property; that it was a swamp; it was going to settle with water and that the people are going to get sick. I have in my hand pictures of a playing field in West Bay, after the recent rains, on which Government has spent \$406,000 - almost half of what we are going to spend to fill the site for the new hospital, and they still have two feet of water on it.

**MR. W. McKEEVA BUSH:**

That is not true.

**HON. D. EZZARD MILLER:**

Madam Speaker, that Member has been claiming on every platform in this country that that playing field was his idea; that Tom Jefferson supplied him with the money and the Member for Education had nothing to do with it. He is right.

**MR. W. McKEEVA BUSH:**

Madam Speaker, will the Member table those pictures?

**HON. D. EZZARD MILLER:**

Table them! Mr. Cline, you can have them, no problem.

**MR. W. McKEEVA BUSH:**

Because you voted for it as well, or you do not remember?

**HON. D. EZZARD MILLER:**

Oh, I voted for it, sure. I do not have any problem with filling up swamp to make it habitable land. The truth of the matter is that if this country wishes to move forward in its clinical capability and the kind of health care that it is going to provide for the people of this country, it has to be done in new improved facilities.

The new hospital is designed, and the reason why the wards are pointed, there is a sensible reason for that. Those rooms are designed so the patient will have an outside view and the people from the central nursing station can, in fact, see most of the patients from the nursing station. If you built it squarely you would have at least two rooms in the corner that you could not see and there is not that much difference in cost. That is called value engineering, cost efficiency and effectiveness in terms of the distance the nurses are going to have to walk to keep track of the patients. We are putting equipment in that new hospital that will allow some 50 procedures that cannot be done on the present site to be done. We will be able to do some 200+ tests that cannot now be done on this site.

The lab in its present location cannot be expanded without knocking down the Out-patients area and taking away the doctors' clinics. We have designed it on a functional basis. Emergency and trauma is across the hall from the operating theatre rooms which are across the hall from the intensive care and recovery rooms which are across the hall from the obstetrics and the labour delivery rooms. All with easy functional access. The patient wards are separate. Theoretically, if we had patients on one ward, if both wards were half full, we could actually close one ward because every room in that hospital is exactly alike. It is either a two bedroom or a single bedroom.

We have not tried to provide an orthopedic ward, a paediatric ward, a medical ward, a surgical ward, an obstetric ward, we have designed it in the most cost effective way possible. The living areas where the patients will be are designed to the most stringent international specifications possible in terms of fire prevention, smoke inhalation which is very costly to build. That area will probably cost \$150 - \$200 a square foot. The support Services Building, in which will house housekeeping; materials management; the morgue; staff quarters and facilities; central sterile, linked with a sterile corridor to the operating room; and maintenance; is a steel building. Forty-five to \$50 a square foot with similar comforts, air-conditioned, piped with sprinklers and everything else but we do not need to make that out of concrete and steel at \$200 a square foot.

The clinical services; X-Ray, lab, emergency, all designed in a steel building pre-engineered, will make it \$75 to \$80 per square foot. Why? It lends itself ideally to modular expansion. If we need to expand the X-Ray, we can expand it without disturbing what is going on there currently or any other services around it. If we need to expand emergency, it is the same thing - administration - those two buildings are linked by common services. The dietary - opens onto a courtyard where the patients and their family can go. The medical library, which is not going to be a great big library, we are in the electronic age, there is going to be computer terminals linked to the U.S. Library of Congress. Any article published on any medical fact - easily accessible. The other side of it is linked by the labour delivery rooms and the Operating Rooms.

Madam Speaker, it is a cost effective design, it is a staff efficient design. It has been well thought out. It was not designed by me at the Portfolio level. It was designed by over 100 members of staff who actually work in the areas. And that is the process that should have been followed. We started with a National Health Plan in January 1990, which had a number of objectives, consolidation of overseas medical care, and that was accomplished with the Cleveland Clinic. Every time the opportunity arises they try to belittle this contract with the Cleveland Clinic and insist that it should have gone out to tender and all sorts of stuff. The Financial & Stores Regulations on which they base that claim has no regard to the purchase of overseas services. It talks about local goods and services - no other Portfolio in Government, whether it is legal advice to write shipping legislation, legal advice on banking matters or legal advice on financial matters or any other thing, those services are not subject to Central Tender.

We are not talking about paying a firm of contractors to build a building or even a firm of consultants to carry out a study. We are talking about the health of our people and the ability to offer them comprehensive health care through one of the best medical clinics in the world. That is not my

opinion, there was a U.S. news and world report that carried an analysis of medical clinics in the United States some months ago and the Cleveland Clinic was among the best.

When somebody has a heart attack in the middle of the night, we do not have time to negotiate with an individual cardiologist about the care of that patient. To be honest, one particular cardiologist well known to Caymanians, when he realised we had signed a contract with the Cleveland Clinic, and that we would no longer be using his services except for his existing Caymanian patients, called my office and offered to a member of my staff to give us cut-rate prices on the procedures only. He could not give us any cut-rate prices in the institution in terms of medication, bed, meals or anything else.

The Cleveland Clinic gives us one price which includes the physicians because they are salaried to the Cleveland Clinic. All I can say is that the Members who are criticising that contract really do not understand how hospitals work and what health care is all about. This project has gone through every possible test in Government. The new hospital was not the No. 1 priority of the National Health Plan, consolidation of overseas services. Improvement to the district clinics by increasing the frequency of doctors' visits, improvement in the clinical capacity of the George Town Hospital by the introduction of a radiologist, a pathologist, and proper pathological labs, have all been done.

The new hospital is now needed to take us beyond that point and into the future. Several of them have suggested that we should wait until the National Health Insurance is in place and operating for two or three years before we start to build this hospital. By the time this hospital is commissioned, the National Health Insurance Bill will have been working for almost 18 months. We have been subsidising health care from central Treasury in this country from time immemorial and all we are trying to do is put in place, through the National Health Insurance, a mechanism by which all Caymanians can pay for their health care in small monthly increments so that when they need it, they have prepaid the insurance company or they will pay them back afterwards. But they will get the benefits.

I feel that the necessary checks and balances have been put in place on the contract and I think the building of a new hospital is the right and proper thing to do for our people. Madam Speaker, I urge all Honourable Members to vote for this motion. Thank you.

**MADAM SPEAKER:**

The question before the House is Government Motion No. 3/92, Cayman Islands Health Services Authority Loan Guarantee. "BE IT THEREFORE RESOLVED that the Legislative Assembly of the Cayman Islands, acting in accordance with section 23(1)(a) of the Public Finance and Audit Law, 1985, authorise the Government of the Cayman Islands to act as guarantor in respect of the loan of CI\$18,000,000 (or the equivalent in United States Dollars) by the Bank of Nova Scotia, Barclays Bank PLC and the Canadian Imperial Bank of Commerce and Trust Company (Cayman) Limited to the Cayman Islands Health Services Authority for the construction and equipping of a hospital in George Town, Grand Cayman and the expansion of the Faith Hospital in Cayman Brac."

I shall now put the question.

**QUESTION PUT: AYES AND NOES**

**MR. W. McKEEVA BUSH:**

Can I have a division, please?

**MADAM SPEAKER:**

Certainly.

**DIVISION NO. 11/92**

**Ayes: 8**

Hon. J. Lemuel Hurlston  
Hon. Anthony Smellie  
Hon. George A. McCarthy  
Hon. W. Norman Bodden  
Hon. Benson O. Ebanks  
Hon. D. Ezzard Miller  
Hon. Linford A. Pierson  
Capt. Mabry S. Kirkconnell

**Noes: 7**

Mr. W. McKeever Bush  
Mr. John D. Jefferson, Jr  
Mr. Truman M. Bodden  
Mr. Gilbert A. McLean  
Mr. Roy Bodden  
Mr. G. Haig Bodden  
Mr. John McLean

**MADAM SPEAKER:**

No. 3/92 is accordingly passed.

The result of the division, 8 Ayes, 7 Noes. Government Motion

**AGREED BY MAJORITY: GOVERNMENT MOTION NO. 3/92 PASSED.**

**MADAM SPEAKER:**

I will now ask for the ....

**MOTION WITH NOTICE**

**STANDING ORDER 24 (9) (viii)**

**MR. W. McKEEVA BUSH:**

.... Madam Speaker, under Standing Order 23(9)(viii), I have a resolution to be moved before the next item of Business is come upon.



**MADAM SPEAKER:**

May I have the terms of your motion?

**MR. W. McKEEVA BUSH:**

I can read it and I can hand it to you, Madam Speaker.

**MADAM SPEAKER:**

Please do.

**MR. W. McKEEVA BUSH:**

WHEREAS the Honourable Financial Secretary said on July 2nd, that the new hospital contract has not been awarded as of July 2, 1992, and;

WHEREAS the recent Government Minute has recommended that projects of Statutory Bodies must go through the Public Tender's Committee;

BE IT RESOLVED THAT this Honourable House agree that no money is spent out of the \$18 million for the new hospital contract until this contract has been awarded through the Public Tender's Committee and that the Public Tender's Committee award it.

**MR. G. HAIG BODDEN:**

Madam Speaker, I second that motion.

**MADAM SPEAKER:**

May I have a copy of it, please?

This motion, in the opinion of the Chair, is a very substantial motion and the Chair rules that it would be acceptable when the proper five day's notice has been given and it can go on the Business Paper. I am afraid that it is of such a substance that it cannot be accepted to be dealt with at this moment.

If the Honourable Member would place it duly before the Clerk's at the Table and the usual five day's notice given it will be dealt with.

**MR. W. McKEEVA BUSH:**

Madam Speaker, I was not moving it under Standing Orders 24(9)(viii) but I will take your guidance, and I will under the other Standing Order, make certain that you have notice in order that I will not have to give five day's notice. As you may recall there is another Standing Order which says that once we have given notice at a Sitting, a motion can be moved without notice.

**MADAM SPEAKER:**

ask for the motion for the adjournment.

Please present the motion to the Clerk in due course. I will now

### ADJOURNMENT

**HON. J. LEMUEL HURLSTON:**

now adjourn until 10 o'clock tomorrow morning.

Madam Speaker, I beg to move that this Honourable House do

**MADAM SPEAKER:**

make a disturbance and that no one should move until the House has adjourned? Thank you.

The question is that this House do now adjourn until tomorrow morning at 10 o'clock. I shall put the question.

**QUESTION PUT: AGREED**

**AT 5:00 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 3RD JULY, 1992.**

**FRIDAY  
3RD JULY, 1992  
10:09 A.M.**

**MADAM SPEAKER:** Prayers by the Honourable Member for Education.

**PRAYERS**

**HON. W. NORMAN BODDEN:**

Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, the Queen Mother, Philip Duke of Edinburgh, Charles Prince of Wales, Diana Princess of Wales and all the Royal family. Give grace to all who exercise authority in our Commonwealth that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the 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:**  
resumed.

Please be seated. Proceedings in the Legislative Assembly are Questions.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**NO. 123:** Could the Honourable Member give a breakdown of ambulance cases from East End and North Side since the service was put in place for the eastern districts?

**ANSWER:** The number of ambulance calls from the Eastern districts between February 1991, when the service was started and 31st May, 1992, is as follows: East End 96; North Side 113. Total 209.

**SUPPLEMENTARY:**

**MADAM SPEAKER:** Supplementary. The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could state the areas of North Side and East End, respectively, that these cases were from and also if the cases were considered emergencies or just like, for example, sometimes the ambulances pick up from the old peoples' home, or what?

**HON. D. EZZARD MILLER:** Madam Speaker, I do not have the information for the first part of the question as to exactly what locations the pick ups were, but in terms of emergency or non-emergency the figures are: East End, 69 emergencies, 27 non-emergencies for the total of 96. North Side, 101 emergencies, 12 non-emergencies for a total of 113.

**MADAM SPEAKER:** There is no further supplementary. The next question is No. 124, 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. 124:** Would the Honourable Member say how many surface coats and what type of material was used on the road at Cottage/Frank Sound; and whether the material used is banned in the United States of America?

**ANSWER:** For the section of road rebuilt between Frank Sound junction and Cottage, one surface coat and one sub-surface coat was used. The materials used were an asphalt designated as RC250 and washed chips. The asphalt was purchased from a company in the United States of America and is the type widely used in North America. To our knowledge, it is not banned anywhere. The chips were produced locally and, to my knowledge, have not been banned.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementary. The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. I wonder if the Member could tell us if it is not correct that after the first surface coat and sub-surface coat was carried out that the whole area, especially on the left side of the road, had to be completely resurfaced.

**HON. LINFORD A. PIERSON:** Madam Speaker, the first layer of asphalt was placed by a contractor who placed it too heavy. It was also done in cooler weather which somewhat delayed the curing process. The sand was added to absorb some of the liquid asphalt on the surface.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you Madam Speaker. Could the Member please tell us who the contractor was, and was this road repaired and the cost placed on Government or the contractor?

**HON. LINFORD A. PIERSON:** Madam Speaker, the contractor was Quarry Products and I believe from the information I am getting, that Public Works had to bear the cost of re-fixing the road.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you Madam Speaker. Am I to understand that this road was not done to Public Works' standard, therefore the material deteriorated rapidly to the extent that it had to be resurfaced? Now am I to understand, that this cost was borne by Government?

**HON. LINFORD A. PIERSON:** Madam Speaker, in answer to the first part of the supplementary, it was not, in fact, built to the specifications of Public Works. The contractor bore the cost of the additional materials needed to correct the job and Public Works bore the cost of the sanding necessary to seal it.

**MADAM SPEAKER:** Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say what standard the contractor is required to reach under the contract, and why was there not a clause that he would repair any substandard road?

**HON. LINFORD A. PIERSON:** Madam Speaker, the information which I received is that the contractor placed some 0.35 gallons per square yard when, in fact, it should not have been that amount. It should have been less, so it was somewhat to her advantage. There was apparently no clause in there for him to carry out the necessary repairs in the contract.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Madam Speaker, I wonder if the Member could tell us the exact cost of the road and whether or not the asphalt used on this piece of road is the same asphalt used throughout the island?

**HON. LINFORD A. PIERSON:** Madam Speaker, I believe that the question now being asked is a substantive question to be answered this morning.

**MADAM SPEAKER:** If there is no further supplementary, the next question is No. 125 standing in the name of the Member for the East End.

**MR. JOHN B. McLEAN:** Madam Speaker, with due respect, I actually asked two questions now. I wonder if he could answer the other one for me?

**HON. LINFORD A. PIERSON:** The second part to that comment is yes.

**MADAM SPEAKER:** The next question No. 125 standing in the name of the Member for the East End.

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

**NO. 125:** Would the Honourable Member say how much was spent on travel by the Cayman Islands Port Authority during the period 1989 to 1992?

**ANSWER:** The Port Authority of the Cayman Islands has spent the amount of \$109,060.00 on travel expenses for the period 1989 to April 1992. This is broken down as follows:

1989	-	\$22,742.00
1990	-	\$30,645.00
1991	-	\$45,712.00
1992	-	\$ 9,961.00.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementaries. The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Could the Member please tell us the number of individuals these figures cover, say for 1989, 1990, 1991 and 1992, and their reasons for travel?

**HON. LINFORD A. PIERSON:** Madam Speaker, the first part of the supplementary, I would have to supply to the Member in writing. I can now give the reasons for travel as follows. The travel expenses for the Port Authority increased in 1989 when the building of the Cargo Distribution Centre commenced. This was primarily due to staff traveling to gain expert information from member ports of the American Association of Port Authorities, on the construction and design of the Distribution Centre. Additionally, the Chairman, along with members of the board and the Honourable Financial Secretary, traveled to visit the ports in the Bahamas and the Port of Miami to familiarise themselves with the cruise industry operations in these ports.

In 1990 the travel on behalf of the Cargo Distribution Centre continued. Some directors and their wives attended the annual general meeting of the Caribbean Shipping Association. During 1991, travel in search of, and purchase of, equipment for the Cargo Distribution Centre continued. In 1991 the Board approved travel of the Chairman, the Director and their wives to attend the annual general meeting of the International Association of Ports and Harbours which was being held in Spain. In addition to the above, the Port Director was elected Chairman Elect of the Caribbean Delegation of the American Association of Port Authorities, in 1990 for 1991 and, as such, serves on the Executive Committee for that organisation. This involves attending three meetings per annum as Chairman Elect, and, naturally, as Chairman the following year. The responsibilities do not diminish.

Routine travel of the Port Director is to attend four annual conferences. These are the Sea Trade Conference, the American Association of Port Authorities General Meeting, the Caribbean Shipping Association General Meeting and the National Hurricane Conference. He is a member of the National Hurricane Committee and a Deputy Chairman of the Coordinating Committee. Additionally, the Authority is a member of the International Association of Ports and Harbours which have biannual meetings.

**MADAM SPEAKER:** Supplementaries. The Second Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:** Madam Speaker, did I understand the Member to say that the Port Authority paid for the wives of the directors to attend meetings abroad?

**HON. LINFORD A. PIERSON:** Yes, Madam Speaker.

**MADAM SPEAKER:** If there are no other supplementaries, the next question is No. 126 standing in the name of The First Elected Member for Bodden Town.

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

**NO. 126:** Would the Honourable Member say how many cases of embezzlement or fraud occurred in the Government service during the last four years; what were the amounts of money involved; and what were the results of the investigations?

**ANSWER:** There were five cases of embezzlement or fraud which occurred in the Government Service during the past four years, as follows:

Date of Report	Case No.	Amount	Subject	Result
17/04/89	1	\$ 526.00	Forgery, Theft	7 months imprisonment (4 months

					suspended).
30/08/89	2	\$ 415.10	Theft		Sentenced on 14/12/89 to 150 hours Community Service.
19/09/89	3	\$ 885.00	Forgery, False Accounting, Obtaining property by deception, Obtaining pecuniary advantage.		Pending at Court.
10/10/89	4	\$ 112.50	False Accounting		Sentenced on 06/03/90 to 200 hours Community Service.
13/07/90	5	\$49,965.90	Theft, False		Compensation of \$24,439.35 ordered. Sentenced to 18 months imprisonment. 12 months suspended for 2 years.

**SUPPLEMENTARIES:****MADAM SPEAKER:**

Supplementaries. The First Elected Member for Bodden Town

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Can the Honourable Member say if after such cases of embezzlement fraud a bureaucratic review is conducted and a report made with recommendations for strengthening the various departments and sections with a view to eliminating these kinds of practices in the future?

**HON. J. LEMUEL HURLSTON:**

Yes, Madam Speaker, in every case that is a part of the responsibilities of the duties of the Head of the Department in which the theft occurred, as well as the responsibility of the Accountant General and Government's Chief Internal Auditor to review systems of internal control to ensure that such incidents are detected promptly and the opportunity for these are kept at an absolute minimum.

**MADAM SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say, in those cases where monies are handled, if spot checks or examinations without previous notice are given to detect any shortcomings in the system?

**HON. J. LEMUEL HURLSTON:**

Yes, Madam Speaker, spot checks are part of the system of internal control that is carried out on a regular basis.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member would be in a position to say whether any other investigations were carried out in other departments which were not taken to court?

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, there are cases involving investigations that may have resulted in internal disciplinary action as opposed to criminal prosecution where there is insufficient evidence to bring a case of criminal prosecution. The alternative in certain instances is to resort to internal disciplinary proceedings. I do not have the record of the internal disciplinary proceedings, but that is occasionally an option.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Would the Member be able to tell us the number of such cases as he is speaking of?

**HON. J. LEMUEL HURLSTON:** I am so sorry, Madam Speaker, I do not have the number of cases. There are not many because it is not a frequent occurrence, but there are some cases. I just do not have the number.

**MADAM SPEAKER:** The Member for East End.

**MR. JOHN B. McLEAN:** Thank you, Madam Speaker. Would the Member be able to say whether or not the individuals were allowed to remain in their posts or were they dismissed from Government?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, depending on the outcome of the internal disciplinary proceedings, there are cases in which officers have been dismissed as a result of disciplinary proceedings and there are other cases in which the disciplinary proceedings have resulted in no formal action.

**MADAM SPEAKER:** The next question is No. 127 standing in the name of the First Elected Member for Bodden Town.

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

**NO. 127:** Would the Honourable Member say what is the current number of people on Gainful Occupation Licences in the Cayman Islands; how many of these persons are employed in the hotels and restaurants; and the positions held by them?

**ANSWER:** As at the end of the first quarter of 1992, a total of 9,856 licences were in force. Of these, 760 were employed in hotels and condominiums and 265 in restaurants. Statistical information as to actual occupations is not readily available, but it is safe to state that the majority are employed in the food and beverage field.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can say if there is any specific policy which links the number of Gainful Occupation Licences to the existing economic situation in the country and, if so, what has been the result of this over the past year, since a recent newspaper reported that work permit figures were up even while there was a reported recession?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, there is a specific policy in place and that policy is rigidly enforced, particularly in times of economic recession. The current policy is that Gainful Occupation Licences are granted only when the Caymanian Protection Board is satisfied that in all circumstances there is a convincing case based upon the system of advertisement and recruitment. In times of economic recession, more care is taken in examining applications to ensure that applications are soundly based and are based on justified need. Additionally, the Chairman of the Caymanian Protection Board meets occasionally with representatives of Industry and Commerce and has met within recent times with the Hotel, Condominium and Restaurant Association in order to develop a clear relationship and understanding as to the needs of that industry *vis a vis* the policies of the Government.

**MADAM SPEAKER:** The Third Elected Member for George Town.

**MR. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Through you, would the Honourable Member say what are the number of Caymanians employed in the work force, if possible, and, secondly, could he say whether the substantial part of the thousand or so persons unemployed are also in the Food and Beverage field?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I believe the Honourable Member for Tourism gave some statistics during question time recently, regarding the number of Caymanians employed in restaurants, hotels and condominiums. I do not know how that relates to the total number of Caymanians in the work force. Neither am I able to say whether a substantial portion of the present unemployed persons are persons with skills in this particular area, but I am certain that the information supplied on a weekly basis by the Labor Office to the Caymanian Protection Board would reiterate the job listing and the particular areas of expertise which these unemployed persons are skilled.

I do not know how many Caymanians there are generally in the total work force. The last labor survey that was conducted was published and the results of that would have given a

breakdown of the total labor force comprised of a certain amount of Caymanians and a certain amount of expatriates. It is my understanding that approximately 40 per cent of the total work force is expatriate and 60 per cent is Caymanian.

**MADAM SPEAKER:** If there is no other supplementary, the next question is No. 128 standing in the name of The First Elected Member for Bodden Town.

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

**NO. 128:** Would the Honourable Member say how many people were served with court ordered deportations during the past four years; what was the nature of offences committed; what are the names of those persons who had their orders rescinded; and what circumstances were taken into consideration in reversing the decisions?

**ANSWER:** Seven Deportation Orders have been made by the Governor-in-Council during the last four years. Offences included: (a) importation and possession of controlled drugs; (b) possession of cocaine with intent to supply; (c) obtaining property by deception; (d) overstaying; (e) importation and possession of firearm without a licence. No Orders were rescinded during this period.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you Madam Speaker. I wonder if the Honourable Member can say if deportation orders can be served other than by an edict of the court.

**HON. J. LEMUEL HURLSTON:** Madam Speaker, deportation orders are made by the Executive branch of the Government. Sometimes, acting on the recommendation of the court, not necessarily in all cases but the court has no Executive power in so far as making deportation orders are concerned. The court in certain instances may recommend deportation, but the actual order for deportation is taken at the executive level branch.

**MADAM SPEAKER:** The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR.:** Thank you Madam Speaker. I wonder if the Member could say how appeals against deportation orders are handled?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, when it is proposed to effect a Deportation Order, it is customary to lay the relevant facts before the person to be affected to afford that person an opportunity to defend or to offer reasons why deportation should not be affected and those representations if any are taken into account prior to making the decision.

In certain instances, there is no choice in the matter. For example, if the person had been convicted of a serious criminal offence and has served a sentence of imprisonment and is about to be released from prison and has no statutory right to remain in the country such a person would not normally be given an opportunity but would simply be served with the relevant Deportation Order or, as an alternative, we sometimes permit the person to leave voluntarily and to subsequently declare the person a prohibited immigrant by publishing an exclusion order which is an alternative form as opposed to deportation.

**MADAM SPEAKER:** Third Elected Member for West Bay

**MR. JOHN D. JEFFERSON, JR.:** Madam Speaker, I am aware that there have been cases where a Caymanian was married to a foreign person who was subject to a Deportation Order and appealed this decision. I wonder if the Member could say who handles such appeals and if there are any at the present time pending?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I believe the Member is referring to requests that are sometimes made under section 38 under the Caymanian Protection Law which enables the Governor in Council to grant what is known as an Entry Permit, to permit someone to enter and remain in the Islands, notwithstanding their status as a prohibited immigrant. These licenses have been granted in such instances where a non-Caymanian spouse of a Caymanian who has been convicted but has not been convicted of a particularly serious offence and in order to keep the family together the government may consider an application to permit such a person to remain on the Island. There are at least two cases to my knowledge that are pending.

**MADAM SPEAKER:** First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. In his answer the Honourable Member has said that no orders were rescinded during the last four years. I wonder if the Honourable Member has taken into consideration the fact that arising out of a question in this very House it was brought to the Parliaments' attention that an order concerning Mr. John Margison was rescinded?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, I am very well aware of that. The substantive question was dealing with Deportation Orders, the order to which the Honourable Member is just referring, was not a Deportation Order but was an Exclusion Order and there is a difference between the two. The Exclusion Order was published in the case of Mr. Margison as a result of a conviction which conviction was upheld by the Court of Appeal, but the sentence was varied to the extent that the deportation recommendation was deleted or quashed. The Government, having regard to the nature of the offence, and the circumstances of the matter decided to rescind the Exclusion Order that had been previously published in that particular case.

**MADAM SPEAKER:** 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 graduating scale of offences with subsequent seriousness or if for example cases of a simple overstay has the same serious rating as possession of cocaine with the intent to supply, or of someone who supplies custom documents to defraud the Government and peoples of this Island?

**HON. J. LEMUEL HURLSTON:** Madam Speaker, the seriousness of the offence and the gravity of it is considered on each individual case by case basis. In the case of the person who was served with a Deportation Order for overstaying, it was not a simple matter of overstaying. It was a question that the individual was not prepared to voluntarily depart and the only way that the departure could have been effective is by a Deportation Order. Each case is considered on its own circumstances and I can assure the Honourable Member that there is no favouritism in so far as the imposition of deportation is concerned.

**MADAM SPEAKER:** Third Elected Member for West Bay

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. I wonder if the Honourable Member could say what was the nature of the charges that were brought against Mr. Margison?

**HON. J. LEMUEL HURLSTON:** No Madam Speaker, I could not give the detailed charges. Recollection is that there were charges brought under the Customs Law for attempted evasion of Customs Import Duty.

**MADAM SPEAKER:** Third Elected Member for West Bay

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. I wonder charges of this nature constitutes a criminal offence?

**HON. J. LEMUEL HURLSTON:** Yes, Madam Speaker, convictions under the Customs Law do constitute a criminal offence.

**MADAM SPEAKER:** The next question is No. 129 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. 129:** Will the Honourable Member say what is the present status of the work under contract for the clearing of the South Side channel in Cayman Brac?

**ANSWER:** The present status of the work is that the drilling of 340 holes underwater, to facilitate the blasting, was completed on Monday, 22nd June, 1992. Due to weather conditions the barge carrying the excavation equipment was unable to leave Grand Cayman on Tuesday, 23rd June, 1992, as scheduled. The blasting is expected to take place as soon as weather conditions improve and clearing the channel of the resulting debris will take a further three to four weeks.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:** Supplementaries. The Second Elected Member for Cayman Brac & Little Cayman.

**MR. GILBERT A. McLEAN:** Would the Member say if this project is on schedule and could he give an estimate as to when the work would be completed that is including the excavation part of it?

**HON. LINFORD A. PIERSON:** Madam Speaker, the work was delayed some from November 1991 until work started in earnest in May 1992. The work site has difficulties of hard rock layers separated by sand and very strong current and the necessity to keep the channel open for boating traffic. The contractor spent some five months trying various techniques before getting the right combination of equipment and personnel. It is, to his credit, that the contractor persevered under adverse circumstances and eventually to overcome the many technical difficulties that were encountered.



**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could tell us to what extent this will be done with regard to clearing the channel? I realise that the main channel that comes through the reef will be cleared, what then will happen when the boats come inside and encounter the same shallow waters as were originally in the channel?

**HON. LINFORD A. PIERSON:**

Madam Speaker, I assume the Member is speaking about the Cayman Brac channel. The situation is that the most urgent need now is cleaning out the channel which has been the need that has been expressed by the boaters in the area, the need to clean the channel. If there are other needs in that particular area, we will get to them in due course and in accordance to or financial position.

**MADAM SPEAKER:**

Second Elected Member for Bodden Town

**MR. G. HAIG BODDEN:**

Madam Speaker, will the Member say if he has received any objections from the environmental people that objected to the clearing of the channel in Bodden Town.

**HON. LINFORD A. PIERSON:**

To the contrary, Madam Speaker. I have received full support from all people that have spoken to me on this matter.

**MADAM SPEAKER:**

The next question is No. 130 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. 130:**

Will the Honourable Member say what is the cost of the recently re-constructed stretch of road, just east of the Frank Sound junction in the general area known as Cottage?

**ANSWER:**

The work started in 1991 with base reconstruction and the first application at a cost of \$173,735.00. The second application work was done in 1992 and cost \$42,301.00. The total project cost to date is \$216,036.00.

**SUPPLEMENTARIES:**

**MADAM SPEAKER:**

Brac & Little Cayman

Supplementaries. The Second Elected Member for Cayman

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. The road in this area is unusually wide. Could the Member say if this is a pattern that will be followed in future for roads of this width and whether it is the intention of Government to hot mix surface the road to its complete width.

**HON. LINFORD A. PIERSON:**

Madam Speaker, it is my understanding that when the markings are put down for the new road going to the East End from South Sound that they will be no wider than the road that we have now in front of the Lions Centre. We will provide hot mix in that area when funds become available to do so.

**MADAM SPEAKER:**

Elected Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could please confirm that the original request of the Member for that district was to utilize hot mix?

**HON. LINFORD A. PIERSON:**

I so confirm, Madam Speaker.

**MADAM SPEAKER:**

Second Elected Member for Cayman Brac and Little Cayman

**MR. GILBERT A. McLEAN:**

Thank you Madam Speaker. Just to ask the Member if he is saying that the hot mix will be to the normal width of twenty four feet, as I understand roads to be, and it will not be for the complete width of the road.

**HON. LINFORD A. PIERSON:**

That is correct, Madam Speaker.

**MADAM SPEAKER:**

The Member for East End.

**MR. JOHN B. McLEAN:**

Thank you, Madam Speaker. I wonder if the Member could also explain exactly why the road work was started at that point and the reason for this being that other roads at the beginning of Frank Sound had to be acquired.

**HON. LINFORD A. PIERSON:**

Madam Speaker, this section of road was chosen because no

additional road would be required for construction and therefore no gazetting.

**MADAM SPEAKER:** If there are no further supplementaries, that will conclude Question Time for today. Government Business. Continuation of Second Reading Debate, The Juveniles (Amendment) Bill, 1992

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READING

##### THE JUVENILES (AMENDMENT) BILL, 1992

(Continuation of Debate thereon)

**MADAM SPEAKER:** The First Elected Member for Bodden Town continuing.

**MR. ROY BODDEN:** Thank you, Madam Speaker. When we broke off this debate, I was making the point that the business of caring for the youth, the responsibility for dealing with juveniles is a responsibility that has to be born not only by community, and by inference the State, but also by parents and parental involvement. I wish to make the point that without parental involvement, understanding and commitment, no legislation placed on the books is going to work to cure these problems. Why is this so? Because very often the juveniles and adolescents themselves do not understand what is happening to them, because adolescence is a period of stress in the lives of these children. Frequently I reflect on the changes on Caymanian society from the time I was growing up until the present. The right of passage from childhood into manhood has changed drastically. There are activities which were commonplace when I was growing up that are extinct now. Activities such as playing marbles, spinning tops, flying kites, all these things were seasonal when we gathered in groups in Bodden Town and in certain areas of Bodden Town. I recall vividly how groups of us used to travel from where we lived out on the bay to play marbles against (my colleague now) the Second Elected Member from Cayman Brac who lived a mile down the road in Pedro. Young people do not do those kinds of things anymore because there is television.

There are also more negative aspects of adolescent life that has crept over from North America. Now, instead, they listen to rap music, they wear particular colours and the whole culture and phenomenon of youth and growing up in the Cayman Islands has changed. I cannot pass without mentioning this one: In Bodden Town, no boy was accepted into manhood unless he went out into the ocean to a place they call the Bar and be an expert surfer. Now I do not see any youngster in Bodden Town doing that and I would lay a wager that they cannot do it! Instead I see them hanging around the clubs and discos or going to the movies or dressing fancy. As I move throughout the Island I have to wonder, because in my growing up time I had a strict curfew, and if I was not home by a certain hour, my parents would lock me out. When I was found I had a lot of explaining to do and there was still no escape from the wrath of my mother! So, this whole business of warning juveniles will not work unless the parents and the guardians are drawn into it. This is a sacred responsibility and it cannot be lightly shirked. That is why I have concerns with sections of this Bill which say that upon caution and the explanation of that caution, the juvenile must sign it in the presence of a police officer.

I also think that it should go a step further. A parent or guardian of that youngster should be made to give an undertaking that will assume the responsibility for stricter oversight of that youngster involved. I know that the economic situation of our country has changed to the point where it necessitates both parents working full-time, and some parents have to work two or three jobs. But we must have their involvement, more than by lip service, we must have a commitment from them. I also believe further, Madam Speaker, that when these youngsters have to be counselled, their parents and guardians should be compulsorily counselled as well because the responsibility is as much theirs as it is the state.

When the Juvenile Court used to be held in the Town Hall, frequently on my way to and from these meetings, I would see youngsters, many of whom I knew and I would talk to their parents. The kinds of responses that I would get really gave me concern. We have fourteen year old youngsters whose parents admit that they cannot handle them. Fourteen years old! Left to be the burden of the State! Madam Speaker, this tells me that there is a breakdown in the family and the measures proposed in this Bill are not going to alleviate that weakness. I was just reading the *Caymanian Compass* of Friday the 12th of June. The headline reads "Juvenile Court Justices Concerned." The admission is here by no lesser a person than Mr. Vernon Jackson a Justice of the Peace for the past eight years. He echoes the sentiment that parental neglect is the key to all the problems in the Juvenile Court. Incarcerating fourteen year-olds into West Bay lock-up and exporting them to the United States for six months is not going to solve the problem unless we can also impress upon the parents or guardians the seriousness of the obligations and the responsibilities that they should have for bringing up these children. We can only do that by educating them. By cultivating that awareness through dialogue, discourse and conversation because if we bring them to the Juvenile Court and charge them three, four and five hundred dollars they are going to try to pay that and believe that by paying that they have exercised their obligations to the state and to the child.

We have to let them realize that this is not only the problem of the Juvenile Court, this is not only a problem of the Social Services, but it is their problem because when that teenager grows up and develops criminal patterns of behaviour and falls into the criminal sub-culture the shame

and embarrassment is going to be upon them and their family; not to mention, they themselves may be a victim of the kind of pathological behaviour exhibited by their child or by their charge. In the United States where now there is a growing awareness of this problem and a realization that they have been placing the focus in the wrong direction. There is more talk now of total involvement. Involvement of the community, of the school, of the church but specifically involvement of the parent and guardian. It is also realized that in those cases of abuse in whatever form has been the reason for the breakdown of the juvenile behaviour and disorder, that more care needs to be taken and the emphasis is placed on counselling until the charge can be brought back into the community.

Madam Speaker, I have some reservations on the current direction proposed in this Bill and the current direction I see us heading as far as dealing with juvenile delinquents in this country is concerned, period! I do not believe that a permanent solution lies in exporting our children to the United States for however long. The culture is different, some of the problems are different, the society is different and the methods of dealing with the problems are different.

I was reading two books that detail some of the efforts being made in the United States. One deals specifically with the efforts being made in New York City to come to grips with these kinds of problems. The Carnegie Foundation, which is one of the principal sponsors of the study of juvenile and adolescent behavioural problems in New York, has just published a book entitled *Fateful Choices, Healthy Youth for a Twenty First Century*. One of the basic tenets is that unless we can ensure that any corrective efforts involve parents, we are expending energy ill-advisedly. In the Cayman Islands, we are in no less a difficult position. All of the warnings that we may give, verbally or otherwise fall on deaf ears. Just a few days ago, the first day of that demonstration, I met a very distraught parent. The mother of a child who is now in the West Bay lock-up, who is now awaiting what I call transportation to the United States as I understand it. I would like to say something about that, Madam Speaker. I, Roy Bodden, feel strongly against that because while these youngsters or juvenile delinquents or whatever you choose to call them have violated some of the rights and abused the privileges in our society, that transportation in itself is a violation of basic human rights and I will tell you something, if it were pursued, somebody would be embarrassed! I will tell you what, no child of mine that could happen to because I would protest that to the eighth degree! Even the most rudimentary and crude societies have taboos against that. If an offence is committed here, the punishment should be meted out here and if I recall correctly, that is why we do not have any charges in approved schools in Jamaica today because Caymanian peoples were concerned that that was aggravating the problem rather than alleviating or treating it. Now we move them from Jamaica which is culturally closer and we are taking them to the United States. Lord send us a Daniel!

We would be better advised to build our own facility. Why is that not being done? Build our own facility, train our own people to manage it, and that way we could effect a smoother transition by letting some of these children out on weekends to spend time in normal circumstances prior to them being released permanently. Then the recidivists, we would have the facility right here to deal with the recidivists but you know something, I know that I would be told that I am an old book master and that I am a Backbencher with no responsibility, but you know what my motto is? Why should I pay a pound for information that I can get for a penny? Everything that the consultants from Kansas city were telling us, I already knew by buying two books, one costing \$18.00 and the other costing \$20.00 from the Book Nook. I want the Member to tell me how much he paid for that consultation. I have to take this seriously because this is my country and these youth are my youth.

Madam Speaker, I am not going to support this because this is putting a bandage over open heart surgery and I will spare myself the loss of energy, I have made my point, I have cleared my ears well this morning, I am going to sit down and wait on arrogance and pomposity to come as I know it will.

**MADAM SPEAKER:**  
Cayman

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN**

Madam Speaker, I rise to speak on a Bill for a Law to Amend the Juveniles Law 1990. These amendments, I think are bound to have some positive effect in the general management of juveniles under the Juveniles Law of 1990. Before I offer my brief comments on this amendment, I would point out that on the first page of this Green Bill, section 3(a), I do not quite understand what is intended there where it says "by omitting from paragraph J, care for him and substituting care for him." It is repeated, I think it must be a mistake, though I dare say it can be addressed at Committee stage.

Madam Speaker, this Bill really attempts or proposes to do two things: One is that a juvenile convicted (in Juvenile Court) of driving a motor vehicle (I would assume when he is not so licensed to do and the age of the juvenile would prohibit that) he can be disqualified from obtaining a Drivers License. I think that is very appropriate action against the juvenile for such an offence in that a juvenile, if there is one thing he looks forward to doing it is reaching an age where he can drive a motor car. Unfortunately, life in these islands to a great extent, is determined by whether one has a motor car or not - and, of course, anything less than a BMW is simply not appropriate! That is passed on from the adults to the juveniles and I think that is one of the learned problems in our society. However, the action as is proposed in this Bill in that the court may disqualify a juvenile from obtaining a driving license is somewhat of a deterrent for that particular offence.

The other proposed amendment is to provide that a juvenile can be cautioned in writing instead of imprisoning him or sending him to a place of safety or taking such other drastic action against him (or her as the case may be). It is my understanding that while the court records show an extremely high rise in juvenile offences, juveniles are being put before the courts for matters which can be considered trivial, and so there is the increasing and mounting records showing against increase in juvenile misconduct and crime. If providing an opportunity for a juvenile to be warned instead of that juvenile to go before

the court, I think that is a very positive step in the right direction. Of course, under the juveniles law, a child of eight can be held criminally responsible. I think that is wrong and I certainly hope that the Member for this particular subject will be brave enough to accept a change to this particular section as is being proposed later on I think, by an amendment to this amending Bill to the House. I do not know where that came from originally, or when, but I think it is really twisted thinking that an eight year old child can be held criminally responsible.

We know times are changing and an eight year-old's mind is different than that of an eight year old ten or fifteen years ago; but biologically and physically, they are children therein, the very beginning of their growth, mentally and otherwise, so to treat them criminally does not make plain sense to me. In February, I brought a motion to this House, seeking to have this House accept that a law should be put in place which would prescribe practice for police officers when handling juveniles. It was rejected. However, I am glad to see that to some extent, by this amendment, some thought and some focus is being given to how juveniles are handled by Law Enforcement Officers when they are in breach of the law. One must be grateful for small mercies these days, so I think that something positive has come about a few months later.

My understanding of handling a juvenile (and I have been a teacher and I am qualified as a teacher) is that one needs to suppress mischief or misconduct and law breaking but at the same time one has to create a situation of some leniency. I believe the fact that a juvenile can now be cautioned, meets this balance in act to some appreciable degree. I notice of ever that a juvenile, and it says in section 5, shall not be cautioned with this section if the juvenile has previously been convicted of an offence for if the juvenile has previously received a caution. I do not quite understand that because our Bible tells us about forgiving our brothers seven times and seven times more and so forth so I think there should be some provision in there which would allow a juvenile to be cautioned for a second time if again the offence would warrant it. Not to simply allow the juvenile commit the offence over and over again but that they could be cautioned a second time. That is my thought on that matter, Madam Speaker, because I am keenly aware that young people in this society of ours, are growing for many reasons in discipline, more and more things or actions which would have been condemned some years ago, are now looked upon in a different light. Parents, I believe, do not exert, in many instances, the degree of control over their children as they should. They copy a lot of home management from what they see on United States television which I might add, in my opinion, is completely contrary to our values here in the Cayman Islands and what they have always been. I think there is a considerable lack of respect and loss of respect for elders and not only elders but adults on a whole by young people. I think that while they cannot be contained or prescribed in the law, these particular attitudes, Caymanians as a whole need to look very carefully at reintroducing or enhancing and putting into place our value systems and passing it on to the children.

As I have said, these amendments, I think, will have a positive effect in improving the Juveniles Law 1990 by the two amendments, one which can allow the court to disqualify a juvenile from obtaining a drivers license when he is in offence of driving without a license and the fact that cautioning can now be done by a police officer instead of arresting and putting a juvenile before the court. That should have an effect of improving the overall management of juveniles by the law in this country and so, I give these amendments my support.

**MADAM SPEAKER:**

The House will be suspended for fifteen minutes.

**AT 11:31 A.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 11:58 A.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues the Juveniles (Amendment) Bill 1992. The First Elected Member for Cayman Brac and Little Cayman

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. I rise to support for a Law to Amend the Juveniles Law 1990.

Madam Speaker, this is a short amending Bill but I think it important. I have great concern for the problems that we are having with our juveniles and I must share the concern of many of the Justices who sit in the Juvenile Court that I have discussed the problem with from time to time and I am of the belief that this amending Bill will help in some way.

The amendment to provide that a juvenile who is caught driving a motor vehicle will find that they will not be allowed (when they become 17) to qualify for a drivers license, it will be suspended beyond that time at the discretion of the Magistrate. I hope it will serve as a deterrent from young people getting on our roads which in some instances could create traffic hazards and make our roads more dangerous. Also, Madam Speaker, I am glad to see that the section has been introduced where a statement can be taken. I refer to 5, which reads that "juveniles shall not be caught", and this states that a juvenile, if he is found under section 4 of the principal Law subject to subsection (3), where a juvenile admits to the police to having behaved in a manner that amounts to an offence, "the juvenile may be cautioned in accordance with this section, instead of being charged and tried for the offence, for the purpose of section 1, a caution shall take the form of a written statement that is read to the juvenile by a uniformed member of the Police Force of the rank of inspector or above, in the presence of a parent or guardian of the juvenile and that is then signed by the juvenile, the police officer and the parent or guardian."

The statement must contain (a) details of the behaviour of which the juvenile admits and (b) details of the offence constituted by that behaviour and (c) a warning to the juvenile not to behave in that manner again and (d) an warning to the juvenile that if while still a juvenile, if he or she is convicted of any offence, the caution will be revealed to the Court that convicted the juvenile and may be taken into account by the court, when sentencing the juvenile for the offence (e) an acknowledgment by the juvenile that the

juvenile acted in the manner specified in the statement (f) that the juvenile has been made aware of the results of being convicted of any subsequent offence while still a juvenile (g) the original statement shall be retained by the police and a copy shall be given to the juvenile.

Madam Speaker, I sincerely feel that this is a good alternative to bringing the juveniles to trial. I think the reprimand and the caution that he will be given will serve a purpose and it is my hope that it will help him to get back on the right track. I would also like to refer to 4, where a juvenile "shall not be cautioned in accordance with this section if the juvenile has previously been convicted of an offence or being the juvenile has previously received a caution or the alleged offence is triable under indictment unless the Attorney General gives his approval." It is my understanding, that unless the Attorney gives his approval, that the clauses above can be waived by the Attorney General if he feels it is in the best interest to allow the statement to be taken from a second offender. That is my interpretation.

Madam Speaker, I would like to refer to section 3 of the Juvenile Law of 1990 which says, Age of Criminal Responsibility; it shall be conclusively presumed that no child under the age of eight years can be guilty of any criminal offence. It was my understanding when this law came to this Honourable House, that it was taken from the Penal Code, section 12, Immature Age. I would like to read that: "1) A person under the age of eight years is not criminally responsible for any act of omission. 2) A person under the age of twelve years is not responsible for an act or omission unless it is proved that at the time of doing the act or making the omission he had the capacity to know that he should not to do the act or make the omission. A male person under the age of twelve years is presumed to be incapable of having carnal knowledge."

Madam Speaker, I am reading from the Penal Code Law 12,1975. This age has been in the law since 1975. Much has been said about when this age became the law of the land but it is very clear that it was in effect in 1975. Madam Speaker, with these few words, I support the Bill.

**MADAM SPEAKER:**

The Third Elected Member for West Bay

**MR. JOHN D. JEFFERSON, JR.:**

Madam Speaker, I rise to offer my contribution on a Bill for a Law to Amend the Juveniles Law 1990. Economic prosperity and financial necessity have had a tremendous negative impact on the family unit in this country. The reason why I say this is because today both parents, where there is a husband and wife, find themselves obligated to work. Also the single parent which heads many of our homes in the Cayman Islands, find it necessary in a lot of cases to hold more than one job, in an attempt to make financial ends meet. As a result of this, many times our children are left unsupervised. They are left to roam the streets or engage in all types of pranks or criminal activity. It has come to the stage now, Madam Speaker, where I learned recently that the big pushers in this country recognise that juveniles, in most cases, are not held responsible for their actions, are engaging or employing such juveniles to push drugs on our streets in this country.

The situation has also been further aggravated by the fact that we have basically taken corporal punishment out of our public schools and in a lot of homes in this country. Today, if you whip a child - I mean even your own child - you run the risk of being brought before the courts on child abuse charges. All of this has had a very negative effect on our society and as a result, we have a generation of unsupervised, undisciplined juveniles growing up in this country. Also gone is the sense of community responsibility. I remember as a boy growing up that if an adult found you doing something that was wrong, that adult could chastise you, pull you up saying what you are doing is wrong and if you gave him any back chat, a lot of times that adult would grab you and whip you. And we had more sense than to go and report it to our parents at home because we ran the risk of getting another one. Today, Madam Speaker, if we take that approach in dealing with the juveniles in our community in a lot of instances we would not only have to whip the child, we would have to whip the parent as well!

We still have children who are taught right from wrong, but a lot of our children today are growing up without respect for adults. We were all taught when we were growing up that when addressing an adult to say 'yes ma'am' or 'yes sir', or thank-you. That is a thing of the past and I find it a bit disturbing when for example a child can go up to a teacher or an adult and give them a piece of their mind. It is very disrespectful and in the long run that individual grows up not only not respecting an adult but having little regard or respect for society as a whole. There is no doubt, Madam Speaker, that we have a changing society and we must change our approach in dealing with the family and its problems.

As a Backbench, we have pushed for many projects and services that deal with the family. For example, we have pushed for the establishment of a local juvenile correction centre to deal with our problem kids, our youth, because I am convinced and I have heard information that concerns my position, that sending a problem child to jurisdiction such as Jamaica or even the United States which is now being contemplated, does very little to help that child. In most instances, our children are exposed to more vice and criminal activity in those jurisdictions than they may have been engaged in here in these Islands. They go abroad and they come back worse than they went and unfortunately many of these same juveniles end up as adults as residents of Northward Prison.

We have also pushed as a Backbench for the establishment of family court, where matters relating to the family can be handled in a private and non-threatening environment. It would be good, Madam Speaker, if we had such a service in this country where all type of problems relating to the family could be discussed and dealt with in private and in confidence. We must also provide assistance to our parents who are unable to be at home with their children after hours, especially our single parents, by making available to them after school programs and activities. This is very much needed, Madam Speaker, and programs of that nature do not have to cost a whole lot of money, it is just a matter of some responsible citizens with the support of Government getting together and organizing such activities.

I firmly believe that we must re-introduce corporal punishment in

our public schools and use it when necessary. We must inculcate in our children a sense of respect and discipline and we as Caymanians once again must exercise a sense of responsibility and community involvement and common sense to save our children and our families. I feel that one of the problems have been caused by allowing persons from the outside, that is ex pats, to come in and advise us here in the Cayman Islands on every aspect of life in this country including how to discipline and how to raise our families. We have been convinced that corporal punishment is wrong and should be used sparingly, Madam Speaker. I believe in a scripture that says, "To spare the rod is to spoil the child."

The court, must also assist in this respect. I know many parents who are scared to discipline their children for fear of being brought before the court and convicted of child abuse. There have been reported cases of this nature in the courts and I have heard of a few of those instances myself but let me say here that I would like to see the Magistrate or the court who I am going to allow to tell me what I can do or cannot do in relationship to dealing with discipline in my home. Madam Speaker, I think it is also important for us as a community to teach your children a sense of responsibility. This must be done in the home where our children are taught to take care of little chores like washing the dishes, making their beds and all the other chores that are done at home. It also helps when we encourage our young people, maybe during their vacations or time off from school to go out and find a part time job to earn funds for themselves because, Madam Speaker, it is amazing how they develop a value of dollars and money when they have to earn it themselves. It also teaches them a sense of pride and independence. It is very disheartening, Madam Speaker, and we in the Cayman Islands are as guilty of this as any place else I have been.

I have seen it quite often where parents continue to struggle to support grown adult children who have not been taught a sense of responsibility or independence. Madam Speaker, I feel that the present Member for Social Services has continuously refused to listen to constructive suggestions for social improvements because as we all know he is one of those Members who tend to have the attitude that he knows it all. His approach, Madam Speaker, has been piece-meal and inconsistent and as a result we continue to experience a worsening of social problems and social deterioration. He has failed to display the interest and the ability to deal with these problems. Madam Speaker, as the family goes, so goes the nation. In other words, if the family fails, society will eventually fail.

With respect to the amendments that are being proposed in this law, I do support because I believe that juveniles given an opportunity to grow up and be guided by responsible individuals, in most cases will grow up to be responsible citizens and I agree that not every time you find a juvenile doing something wrong that he should be pulled in before the Juvenile Court to answer to those charges. That must have a tremendous negative impact on that youngster, Madam Speaker. It only confirms in his mind also, Madam Speaker, and is constantly reminded of the fact that he or she is a bad person and continuously told that, those youngsters or juveniles soon live up to those expectations.

Madam Speaker, I appreciate the fact that as a juvenile growing up, every time I did something wrong, I was not brought before the Justice of the Peace or the Juveniles Court and I am quite sure that every Member of this House had an incidence that they could remember that they did as a juvenile that they were not proud of or are not proud of but Madam Speaker, given an opportunity, we have grown up to be responsible, respectable Members and leaders in our community. It is important, Madam Speaker, I feel that a juvenile is not brought before the court on every occasion and convicted, because even though those hearings are done in private, that is, they have special areas that they hear these cases in, those convictions and we live in a very small community, Madam Speaker, those convictions eventually follow that youngster until, in most cases, reaching adulthood. As a result, it limits his chances and also his opportunities. I also agree that a youngster should be met with and I also agree that it should be a senior officer that conducts this particular exercise. The police meet with the youngster and his parents and puts in writing the incident that he is guilty of, explains to him the seriousness of his actions and tries to impress upon him or her the necessity of refraining from this type of behaviour in the future.

The juvenile, Madam Speaker, should understand the gravity of the charges. The statement should be signed and the juvenile and his parents left a copy of that statement. Madam Speaker, despite all of this effort, there are going to be juveniles who continuously run afoul of the law and in those cases, I believe that it is the responsibility of the courts to deal with these matters and take whatever actions are necessary in order to help the juveniles correct his behaviour.

Madam Speaker, I also agree with the amendment that where the juvenile is convicted of driving under the required age that the police should have the authority under the traffic law not to issue him a license for a specified period because if you do not, that juvenile would be tempted to repeat that activity that is, probably taking a car without the parent or owners consent. We have had some tragedies of this nature where the youngster not only goes out and kills himself, but kills other innocent persons. I am concerned with the present situation in this country as far as the family and its many needs and problems and as I said before, I feel the Member for Health and Social Services should have made it a priority to deal with some of these social problems which Madam Speaker, has the potential of ruining our society.

Madam Speaker, I will be supporting these amendments and I thank you.

**MADAM SPEAKER:**

The Third Elected Member for George Town

**MR. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. This short Bill to Amend the Juveniles Law is very important as it deals with two areas of behaviour which I believe that the amendments will be beneficial to the Islands. I support the section that disqualifies a juvenile from obtaining upon reaching majority. I think that that is something that can perhaps, instill some discipline and some form of severity to his actions in him.

The next amendment that deals with the use of cautions is one that I support in principle. I believe that if the police in this country were to use a system of cautions on minor offences in other areas that it would lead to better citizens. At present, most of the time, we have for minor offences, persons who have no other convictions, sometimes having convictions, having a criminal record for very minor offences. These can range from anything from a light out on a motor vehicle or a parking or riding a bicycle without a tag. I think the principle is good. I believe that first offenders should, whether they are juveniles or adults, be given the benefit of the doubt and cautioned. It would save a lot of time for the police, it would save a lot of time for the courts and it gives the person another chance to not make that same mistake and it keeps his or her record clean.

I believe, however, that in with amendments such as this, have to be other areas of the social structure that need amending, need altering. I think that the lack of parental guidance is obviously something that is very much needed. I believe that the schools, both Government and Private do a lot to avoid children continuing or beginning bad behaviour, much less committing criminal offences and I believe that the churches with their approach or instilling God into the lives of children at an early age through Sunday School play a very important part in dealing with the children's problems. Perhaps the most complex problems to deal with are those relating to juveniles be it in the early teenage years or younger and this is why it is very important that at a very early age the necessary discipline and love and spiritual upbringing is injected into children.

I think most of us who are parents of young children have to realise that they too see a lot of frustration. Many times they need a lot of help and I guess no matter how much one does as a parent, there is always that feeling that more could be done to help one's child and other people's children as well. One Member mentioned the question of drugs to juveniles. We have just had an amendment before the House which gives life imprisonment where drugs have been intercepted in ships.

Madam Speaker, I think it even more important that that harsh penalty be brought to bear on anyone who gives drugs to children. I think it is even more important in that area because you are dealing with innocent children and you are giving death to them at a very early age and I do not think life imprisonment is too easy in those areas. Communication with children is very important and also the responsibility of parents for their children and to that effect, I am wondering whether, perhaps the caution order, the section relating to the caution, may not have included a section which stated that not only does the juvenile acknowledge that he has done wrong and that he is aware of the results of a subsequent conviction but perhaps an acknowledgment or undertaking by the parents or guardians that they also acknowledge the wrong and that they will take all steps that are necessary to make sure that the juvenile does not repeat the offence.

I realise that this caution relates only to the juvenile, but since it is done in the presence of the parent, I believe that it would instill in the parent also a sense of even stronger responsibility for the seriousness of the offence and also for the fact that as a first offender, even though I know this can be used for subsequent second or subsequent offenders with the Attorney General's consent but it will probably be for first offenders or persons only convicted of fairly minor offences before so that the parent also realises that they have a responsibility to ensure that the seriousness of the caution is brought home to the child and themselves. This to me is only a very small step towards dealing with what is an extremely important sector of the community because our youth of today are our leaders of tomorrow and this legislation, I believe, could well have been coupled in with legislation such as has been requested here before; I know I have which in England is referred to as the Battered Wives Law but which also ties in with juveniles themselves. When there is violence that is against a spouse it must affect the child and also, I believe that that or any violence against a spouse or especially against children has to be taken seriously.

I am not against disciplining children. If my children need spanking, I spank them but what I am against and very much against, is any form of cruelty as such. I know there is a section in the Juveniles Law but many times the children get very frustrated and in fact there is an article in *The Bar Journal of England* that sets out quite clearly the different steps that they have tried to go through to ensure that the child is protected and thus that the child and the spouse or spouses, mainly the wife, do not come under unnecessary and undue pressure. The law in fact, is quite a short law and it is a well tested law in the United Kingdom. Quite frankly, if this Government does not bring it in, then I can assure you the next Government will deal with it.

While I commend the Member for bringing this, he had produced the Juveniles Law a couple of years ago, I too support the fact that along with this has to be of a local approved schools and an upgrading of facilities within the island to deal with children. It is no good for us to talk about the past, that is gone. The future of these children has to begin now and any mistakes we made in the past, I am afraid, cannot really help the youth of today. Times change and that is why I too support the increase of the criminal responsibility under section 3 of the law from eight to ten which is universally accepted throughout, I would say, most of the civilized world. It surely must not really strike I guess Legislators, until you look at a child of eight and you really wonder to yourself, "How can that child form a criminal intent?" In fact, even at ten, there must be a lot of complexity and a lot of reality that is not realized in relation to criminal offences. However, be that as it may, I go back to what I said earlier, while I commend the Government for bringing this Bill and when they bring good Bills I commend them and when they do not I oppose them, I feel that they must continue to show a comprehensive and positive move towards dealing with the problems of society, especially in relation to juveniles and in relation to matters such as the maintenance of children. I am not going to get into that but it is an area in which I feel strongly. When someone has a child, one has a duty to maintain that child and areas such as cooperation with the youth centres, the churches, the private schools, the service clubs and everyone who go towards making the child in society feel that they are wanted and feel that they have a place in society. Other important associations, such as parent teachers associations and in fact, I think all the schools play an important part. In the end, I guess, it comes down to heavy duty on parents to raise their children right and to see that they get the necessary moral and spiritual upbringing that is necessary for them to become good citizens.

Madam Speaker, I support this and am basically asking Government to do whatever it can to bring any other necessary legislation or policy that could assist children and the battered spouses in these Islands.

**MADAM SPEAKER:**

The House will be suspended until 2:15

**AT 12:48 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 2:21 P.M.**

**MADAM SPEAKER:**

Please be seated. Debate continues on second reading Juveniles (Amendment) Bill 1992. The Honourable Second Official Member.

**HON. ANTHONY SMELLIE:**

Thank you, Madam Speaker. I rise to support the Bill in the form it now is before this Honorable House. There have been objections to it and qualified support for it on the basis that it is not far reaching, that it does not address the fundamental problems, that is the breakdown in family values and parental discipline and control. While there is no denying the existence of those fundamental problems, legislation to solve them would not be attainable all at once. There is no complete panacea.

This Bill makes no pretense at being a complete solution. It is a modest but important step in the right direction. In the first place, it does require parental participation. By signing on the caution statement, the parent or guardian acknowledges the propriety of the caution and at least the moral responsibility to ensure that the juvenile understands and complies with the warning that is being given. Madam Speaker, I think I should read the Bill. It is a short Bill and the proposed amendment is to add a new section to the Juveniles Law as the law presently stands. In the marginal note it would read, Cautions, and section 12(a) would read, subject to subsection (5), where a juvenile admits to police to having behaved in a manner that amounts to an offence [and those words are important, because the conduct must amount to an offence] the juvenile may be cautioned in accordance with this section instead of being charged and tried for the offence. For the purpose of subsection (1), a caution shall take the form of a written statement that is read to the juvenile by a uniformed member of the police force of the rank of Inspector or above, in the presence of a parent or guardian of the juvenile and that is then signed by the juvenile, the police officer and the parent or guardian."

Subsection (3) would provide as follows; "The statement must contain (a) details of the behaviour of which the juvenile admits (b) details of the offence constituted by that behaviour (c) a warning to the juvenile not to behave in that manner again (d) a warning to the juvenile that if while still a juvenile, he or she is convicted of any offence, the caution will be revealed to the Court that convicted the juvenile and may be taken into account by that court when sentencing the juvenile for that offence (e) an acknowledgment by the juvenile (1) that the juvenile acted in the manner specified in the statement (2) that the juvenile has been made aware of the results of being convicted of any subsequent offence while still a juvenile." So it is a very extensive form of caution, Madam Speaker.

The provision goes on to subsection (4). "The original statement shall be obtained by the police and a copy shall be given to the juvenile." In subsection (5), the juvenile shall not be cautioned in accordance with this section if the juvenile has previously been convicted of an offence or if the juvenile has previously received a caution or the alleged offence is triable on indictment, unless the Attorney General gives his approval. It follows from that then that a subsequent caution is not entirely ruled out. It is a matter of discretion for the Attorney General.

Having read those provisions, Madam Speaker, I return to reflect on the debate on the Bill. There have been suggestions that the Bill should go further and impose a legal responsibility on the parent as opposed to the moral responsibility which you have observed the Bill does imply on the parent to ensure that the juvenile complies with the terms of the caution. The obvious difficulty arises from that proposal, Madam Speaker. The question, how would the law insure that the parent complies? That, I suggest, might only be achieved by imposing penal sanctions against a parent for failing to do so, by creating an offence where a parent fails to do so.

Madam Speaker, the objective of this Bill is not that far reaching and I suggest that careful sociological research would be merited before deciding whether that would be suitable to the needs of society. In any event, such a measure would only be appropriate after full social debate. There has also been proposed, Madam Speaker, a committee stage amendment to the present bill. It has received some debate on this reading of the Bill and I therefore seek your indulgence to allow the following comments at this stage. That proposal is to raise the age of criminal responsibility from eight to ten and the age of criminal discretion from twelve to fourteen. The difference between the ages, Madam Speaker, I will attempt to suggest as the following: 1) The age of eight is the age below which a child simply cannot be charged with any criminal offence; 2) The age of twelve which is proposed to be raised to fourteen is the age below which, while the child might be charged, no conviction may be entered unless there is special evidence of what is called mischievous propensity. Special evidence that the child knows the difference between right and wrong.

Madam Speaker, while it might be abhorrent that a child of eight might be subject to criminal responsibility and sanction and all the intended hardships that go with that situation, that is a matter of how the law and system is viewed and I would offer the following comments in that regard. On the other hand, Madam Speaker, a child of eight or nine who commits a criminal offence or criminal act might be a child in need of care and protection. If the criminal act is outside the sanction of the law, very often the results would be detrimental to the child himself. In other words, Madam Speaker, the lower the age of responsibility, the lower the age at which the benign and beneficial intervention of some person or authority might occur. This



question of legal responsibility and legal discretion is one that has fueled the fire of debate for centuries. There are historical reasons of which time would not permit a review at this stage but it is well accepted, Madam Speaker as to what the modern approach should be. No one would argue that a child of eight or ten or even twelve or fourteen must, as a matter of moral necessity, be required to expiate his wrongdoing by being subjected to physical incarceration or physical abuse. The modern objective must surely be that if there is to be legal or official intervention it should be for the welfare of the child. To that end, Madam Speaker, the Juvenile Law as it presently stands is clear. Permit me to read section 13.

Section 13 provides: Every court in dealing with a juvenile who is brought before it shall have regard to the welfare of the juvenile and shall, if it deems it necessary, take steps for removing the juvenile from undesirable surroundings and for securing that proper provision be made for his education and training. In very succinct terms I think that section captures, to a large extent, what the modern objective must be. It is not a compendious code of what those objectives are, Madam Speaker, but it certainly sets it out in very clear terms. Madam Speaker, it is true that in many other commonwealth countries the ages of criminal responsibility and of criminal discretion have been raised to ten and fourteen respectively but still in those countries the panacea has not been found and the debate continues.

Here in this country, the Honorable Chief Justice has expressed his concerns about the age of criminal responsibility being as low as it is. I would venture, Madam Speaker, that his real concern is that the age of eight years should not be an age at which youngsters should be dragged before the court as ordinary criminals. With that view in mind, I think all would agree. This bill, Madam Speaker, seeks to address some of those concerns by providing an alternative of a caution. It would appear, in light of the rationale behind the bill, to defeat some of its objectives, if we were to raise the ages at which children might benefit from the objective of benign and beneficial intervention, an objective which we have seen is an intention of this bill. Bear in mind also, that no caution can be administered unless the circumstances amount to an offence for which a child would otherwise have been criminally responsible. So of course, immediately by raising the age of criminal responsibility we raise the age at which this sort of intervention might take place.

For those reasons, Madam Speaker, I would suggest that the raising of those ages, that is the age of criminal responsibility and of criminal discretion, might not necessarily be a sensible thing to do. I would support the Bill in its present form. These are never simple matters, Madam Speaker. There are other aspects which might merit further consideration on the Committee stage of the Bill when the proposed amendment to the Bill arises for further consideration and at that stage, perhaps further consideration might be given.

Madam Speaker, before I conclude, I believe it was the Honourable Second Elected Member for Little Cayman and Cayman Brac in his contribution who observed what on a less than careful reading of clause 3 of the Bill might appear to be an error, and I think I should take this opportunity to point out what is intended. It reads: "Section (9)(1) of the principal Law is amended. (a) by omitting from paragraph (j) 'care for him.', and substituting "care for him;". It is the substitution of the full stop for the semi-colon that is the effective change which is intended, Madam Speaker. Thank you.

**MADAM SPEAKER:** If there is no further debate, I would ask the Honourable Member for Health and Social Services to conclude the debate.

**HON. D. EZZARD MILLER:** Thank you, Madam Speaker. I simply wish to thank Members for their contribution both positive and otherwise and since the Third Elected Member for George Town is so happy about that, I would just like to tell him that although he criticised the Government very heavily for not having produced domestic violence legislation, my portfolio did in fact draft such legislation in 1990 and submitted it to the Chief Justice for review, whose opinion at that time was that it could not be enforced because of lack of administrative procedures and Judges and we have not yet been able to provide him with the resources that he requires to administer it. Therefore, the Bill has not been presented to Parliament but I have done my part, Madam Speaker. Thank you very much.

**MADAM SPEAKER:** The question is that a Bill entitled, The Juveniles (Amendment) Bill, 1992 be given a second reading.

**QUESTION PUT: AGREED. THE JUVENILES (AMENDMENT) BILL, 1992, GIVEN A SECOND READING.**

## **FIRST READINGS**

### **THE ELECTIONS (AMENDMENT) BILL, 1992**

**CLERK:** The Elections (Amendment) Bill 1992

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

### **THE COMPANIES (AMENDMENT) BILL, 1992**

**CLERK:** The Companies (Amendment) Bill 1992

**MADAM SPEAKER:** The Bill is deemed to be read a first time and is set down for a

second reading.

**MOTION FOR THE WITHDRAWAL OF THE MERCHANT SHIPPING ACT 1988 (AMENDMENT) BILL, 1992  
Standing Order 58**

**MADAM SPEAKER:** Motion for the withdrawal of the Bill. The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY, JP.** Madam Speaker, in accordance with section 58 of the Standing Orders, I would like to move a motion that the Bill entitled The Merchant Shipping Act 1988 (Amendment) Bill, 1992 be withdrawn.

**MADAM SPEAKER:** The question before the House is the motion moved by the Honourable the Third Official Member that under Standing Order 58, the Bill entitled, The Merchant Shipping Act 1988 (Amendment) Bill, 1992 be withdrawn. I shall put the question.

**QUESTION PUT: AGREED. THE MERCHANT SHIPPING ACT 1988 (AMENDMENT) BILL, 1992, WITHDRAWN.**

**THE MERCHANT SHIPPING BILL, 1992**

**CLERK:** The Merchant Shipping Bill, 1992.

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

**THE IMMIGRATION BILL, 1992**

**CLERK:** The Immigration Bill, 1992

**MADAM SPEAKER:** The Bill is deemed to have been read a first time and set down for Second Reading.

**THE SUPPLEMENTARY APPROPRIATION (1990) BILL, 1992**

**CLERK:** The Supplementary Appropriation (1990) Bill, 1992

**MADAM SPEAKER:** The Bill is deemed to have been read a first time and set down for Second Reading.

**SECOND READINGS**

**MADAM SPEAKER:** Second Readings.

**THE ELECTIONS (AMENDMENT) BILL, 1992**

**CLERK:** The Elections (Amendment) Bill, 1992

**MADAM SPEAKER:** The Honourable First Official Member

**HON. J. LEMUEL HURLSTON:** Madam Speaker, I beg to move the second reading of the Bill for a law to amend the Elections Law, 1983. The Memorandum of Objects and Reasons sets out the various amendments that are proposed to be effected in this Bill and before I read the Memorandum of Objects and Reasons, perhaps I should comment that this Bill is the product primarily of the work of the Select Committee of the whole House which considered the subject and which Select Committee filed and tabled its report during this meeting and in so tabling, the Honourable Second Official Member, read the recommendations which emanated from the committee and this Bill now seeks to implement those recommendations made by the committee and which were accepted by the Government. I should make the point, however, Madam Speaker, that there are a few areas in this Bill with which the Government has disagreed with the recommendations of the Select Committee and these areas will no doubt be fully discussed during the Second Reading Debate.

There are also three ancillary points to make in connection with this Bill and that is that firstly, certain rules have been promulgated and these have been published and put into affect in preparation for the 1992 General Elections due on the 18th of November. Secondly, the Bill itself does not address two matters, which will no doubt arise out of the debate in as much as the Select Committee in its deliberation considered the two issues. The first is the question of the rectification of the Bodden Town, George Town electoral boundary and the second is a question of whether Election Day, 1992 should be a public holiday or not.

Regarding the Bodden Town, George Town electoral boundary it was a majority consensus of the Select Committee that the boundary should be adjusted and corrected and reverted to its former original position. The Government, on the other hand, took the opposite view and that is that

the matter should be referred first to a proposed Boundaries Commission following which if the Boundaries Commission so recommends the adjustment should be made. Insofar as the public holiday is concerned, recommendation of the committee and the agreement of the Government has been that 1992 Election Day will not be declared a public holiday on the Public Holidays Law.

Having covered the ancillary and related points, I would like to turn now to the provisions of the Bill itself. The Bill contains a total of 27 clauses and I would simply take Members through them as they appear in the Memorandum of Objects and Reasons. The first significant thing about this bill, Madam Speaker, is that it seeks to increase the number of Members in the Legislature from 12 elected to 15 elected and increase of three electoral seats. It also seeks to allocate those three additional seats to three constituencies. The three constituencies being the electoral district of West Bay which finds its seats increased from three to four, the constituency of George Town which finds its numbers increased from three to four and the constituency of Bodden Town being increased from two to three.

That is the most significant amendment that is proposed to be effected in this Bill. The other amendments are primarily tidying up of existing provisions in an effort to make the legislation more effective and workable. The second clause of the Bill seeks to make provisions for a portion of the law to be brought in to effect at different times as necessary.

Clause 4 seeks to amend section 2(1) of the principal Law to include the definition of "agent" and to omit the definition of "election agent" since the law makes no provision of the "election agents" as such. Secondly, to make it clear that reference in the principal Law to a Returning Officer includes a Deputy Returning Officer. Clause 5 seeks to amend section 3 of the principal Law to require that a person appointed to be the Supervisor of Elections must be a senior public officer. Clause 6 seeks to amend section 3(a) of the principal Law to make it clear that references in that section, to the supervisor, are references to the Supervisor of Elections. The word "supervisor" is not defined in section 2, interpretation section of the law.

Clause 7 replaces section 4 of the principal Law to rename the existing electoral districts and to increase the number of elected Members as mentioned earlier. Clause 8 seeks to amend section 7 to provide for the appointment of Deputy Returning Officers. Clause 9 seeks to amend section 11(2) of the principal Law to change references to voters address to references to his location of his residence since this determines the electoral district in which he may be registered to vote and not his address. Clause 10 seeks to amend section 13(2) of the principal Law by omitting the requirement that a person who objects to the name of person being on the preliminary list of voters must serve a copy of his notice of objection personally on that person on the basis that this requirement may in fact inhibit a person from objecting and therefore obstruct the completion of an accurate list of voters.

Clause 11 seeks to amend section 18 of the principal Law. Firstly to change the times which a person may be nominated. Presently the hours are 10 a.m. to 4 p.m. and it is proposed to change those hours to 8 a.m. to 3 p.m.. Secondly, to make it clear that candidates do not have to deliver nomination papers in person. The clause also provides for two new sections. One to provide for offences in respect of nominating papers and the second to make provisions in respect to the withdrawal or death of a candidate before the date of the election. Clause 12 seeks to amend section 19(4) of the principal Law to change a cross reference consequent of the enactment of section 18(b).

Clause 13 repeals and replaces section 20 of the principal Law to make it clear that a candidate will lose his deposit if he receives less than one-tenth of the votes cast which is deemed to be equal to the number of ballot papers counted and not rejected. The present fraction is one-sixteenth. Clause 14 seeks to amend section 22 of the principal Law to amend references to certain electoral districts in respect of which as specified minimum number of polling stations is prescribed and also to allow the Supervisor of Elections to have access to a building used for a public purpose but not a church, for use as a polling station upon giving its owners reasonable notice and offering compensation for damage etc...

Clause 15 seeks to amend section 23(1) of the principal Law to allow the Deputy Supervisor of Elections to be appointed to preside at a polling station if necessary. At present, the Supervisor of Elections may appoint himself. This will continue to be the case. Clause 16, seeks to amend section 27 of the principal Law. Firstly, to make it clear that polling and counting agents may be appointed by a candidate at any time after his nomination but sooner than seven days before the polling and not just before the commencement of the poll as appears to be the situation at present. This will allow for a period of training of agents. Secondly, to provide that a polling or counting agent must be a person who is a voter in the same electoral district. This is necessary so that he can do his job properly.

Clause 17 seeks to amend section 28(2) of the principal Law by omitting from ballot paper the occupation of a candidate since a candidates occupation has no relevance to his candidature. Clause 18 seeks to amend section 36 of the principal Law, primarily as a consequence of the amendment to the term illiterate and also to omit reference to the compulsory use of a black led pencil as a means of voting and finally to require a voter to put an "x" in the space to the right of the selected candidates name instead of a cross in a space opposite the name which is ambiguous. Clause 19 seeks to amend section 38 of the principal Law to amend the description of illiterate for a person who through reading difficulties is not capable of voting without assistance and secondly to remove the ability of such a person to be assisted by a friend when voting, while still allowing him to be assisted by the presiding officer. This amendment is deemed necessary, since a friend is more capable of exercising undue influence or of giving inaccurate advice to a disabled voter, whether intentionally or otherwise, than is the case than with an officially appointed officer. However, a provision has been included which allows a voter to have a friend present when the presiding officer is assisting the voter.

Clause 20 seeks to amend 42(1) of the principal Law to increase the number of people who are allowed to remain in a polling station during an election to include the Deputy Supervisor. Clause 21 will amend section 44 to make it clear that the ballot box can only be opened in the presence

of certain people to limit the number of people who may be present when votes are being counted and to make it clear that those people may come and go at any time. To prohibit crowds assembling within 100 yards of the place where votes are being counted. To make it clear that where a voter has not marked a paper exactly as directed, a vote will still count for a candidate if it clearly appears that he intended to vote for that particular candidate. Also, to overcome the impossibility under the present law of complying with the requirement to put the ballot papers into separate envelopes where a ballot paper may contain votes for up to four candidates. Finally, to take account of the fact that in some electoral district four candidates may in future be elected instead of the present maximum of three.

Clause 22 will amend section 47 (1)(e) of the principal Law, to take account of the fact that in most electoral districts the ballot paper cannot be divided amongst the candidates since the ballot papers will contain votes for more than one candidate. Clause 23 amends section 56(1) to allow hotels to open one hour after the close of the poll, not on the declaration of the results as is at present. This present situation will remain unaltered for other licensed establishments. Clause 24 will amend section 58 to take account of amendment to the term "illiterate" in respect of offences by election officers when dealing with people who claim to need assistance to vote and to take account of the fact that with ballot papers containing votes for more than 1 candidate it is votes that may be wrongly included or excluded, not ballot papers.

Clause 25 seeks to amend section 67(3) of the principal Law to clarify the liability of candidates for unauthorised illegal acts of agents. Clause 26 will amend the First Schedule to the principal Law to omit the present names of the electoral districts and to substitute the new names. Clause 27, the final clause, will replace many of the forms set out in the Second Schedule to the principal Law to take account of the various amendments being made to that Law by this bill.

This Bill, Madam Speaker, is therefore recommended to the Honourable House as an attempt to recognise the experience gained from the last General Election to take account of recommendations made to Parliament by the Supervisor of Elections in his report to take account of the recommendations of the Select Committee that studied the matter in depth as well as to take into account other matters which the Government in its own judgement deems appropriate and necessary.

I commend the Bill to Honourable Members accordingly.

**MADAM SPEAKER:**

The question before the House is The Elections (Amendment) Bill 1992 be given a second reading. The question is open for debate. Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:**

Thank you, Madam Speaker. I rise to offer my contribution on the Bill before the House to amend the Elections Law. First of all, I must advise that this review was brought about by a Private Member's Motion moved in 1989 by two Members of the Backbench. The objective of the motion was to have hopefully reviewed the law immediately with the objective to improve the entire election process in the Cayman Islands. We were hoping to see the introduction of voters registration cards to simplify the registration process, thereby allowing more persons to qualify to vote by extending the registration time period. At the present time, Madam Speaker, the voter must reach the age of 18 early in the year along by the end of March or the first part of April, even though the elections are normally scheduled for mid-November of the same year.

If you had a process where voter registration cards were used, those persons reaching the age of 18, probably even a week before the General Election could have been registered and qualified to vote in the upcoming General Election. It was also hoped, Madam Speaker, that the machinery used for the counting of ballots at the close of the polls could have also been improved. Madam Speaker, I am quite sure you have had the same experience, but it is no joke for a candidate who has fought for five or six months in a political campaign to arrive on Elections Day to go into the respective polling stations and to be locked away for 24 hours waiting on the results of the count when there is so much affordable machinery in existence, whereby at the end of the day that is by probably by seven or eight o'clock of the same evening of the elections of those results could have been known.

Madam Speaker, the Elections Law was referred to a Select Committee for review and the Bill that the Honourable Member just moved resulted from that review and I must say that generally speaking, I do support the majority of the amendments that have been put forward in this bill. One of the areas that was improved was in section 18(5),(6) where it says in subsection (6) a nomination paper may be delivered by the person nominated or the person acting on his behalf. In other words, Madam Speaker, it is no longer for the candidate to show up in person on nomination day, but he can have an agent or representative show up on his behalf to present his papers which have been duly signed and witnessed.

section 20 of the law has also been repealed in that the percentage of votes that must be received by any candidate in order to get his deposit of \$1000.00 refunded has been increased from 1/16th to 1/10th of the ballots cast. I think this is good, Madam Speaker, because it is a long, drawn out process and I think only those candidates who have a reasonable chance should enter the arena because it is a time consuming process and a very expensive one and I feel that any candidate who cannot muster ten per cent of the ballots cast probably does not belong in that arena.

Madam Speaker, I did have some reservations with regard to section 22 of the law, but we did iron out most of those difficulties in the Select Committee that basically gives the Supervisor of Elections the authority to request a building for the use as a polling station. I know in the last election, I think it was, there was some resistance from certain churches with respect to having their hall or churches used as a polling station but we did arrive at a situation where churches were excluded from those buildings that could be requested to be used as a polling station. Madam Speaker, section 36 of the law was also amended or is also amended to deal with the reference to a person who cannot read as "illiterate" and substituting the wording "unable to vote unassisted," but Madam Speaker, I do take exception to this particular section with respect to what has

ended up in the law or the proposed amendment.

I think, Madam Speaker, that it is very important, regardless as to whether or not a person can read or not to have his privacy preserved. I think it is wrong as being proposed where a person who is unable to read, arrives at the poll, has to admit to the officer there that he cannot read and he is then in a position where he will be assisted, unless he insists, by the officer there, with respect to who he votes for. I think, Madam Speaker, this is another attempt by Government, the present Government, that is the 4 Elected Members of the Executive Council, in particular, the Elected Member for Education to improve their chances for being re-elected because especially in the district of West Bay, we have many people who require assistance with voting.

Those people, over the years have had persons who they trust, going with them into the voting booth and to assist them to vote for those persons who they desire to vote for. I think, Madam Speaker, it will cause intimidation of those persons. It will also cause distrust from those persons because if you cannot read and you are going in there to vote with someone that you do not know or in most cases do not trust, ten at the end of the day, when your ballot has been marked, you are still not sure who those "x's" were placed for. I think, Madam Speaker, that the system that we had in place should continue, even though the law does make a provision for that, where if the voter insists on having a friend accompany him, then that particular friend is subject to an oath and will probably be allowed to accompany the voter into the booth for the purpose of voting.

Section 38, Madam Speaker, deals with that particular provision of the law and it says: section 38 of the principal Law is amended, this is subsection (c) by omitting from subsection (4), everything after "in the presence of the Poll Clerk," and substituting "and if so requested by the voter, the presence of a friend." It says, "where a voter requires the presence of a friend, in accordance with subsection), that person shall not be allowed to be present unless he first takes the oath in form No. 20." Madam Speaker, basically all this will do is discourage those persons who will need assistance because they cannot read from going to the polls because they will say, "All right, if I cannot go in there and take who I want, then I would rather stay home." That can only help the Member for Education.

Yes, Madam Speaker, that is true! Many of the votes I get, being the First Elected Member for West Bay, are those people, the common man, many of whom did not have the opportunity that the Member for Education had. Madam Speaker, I support the amendment to section 44, whereby once the voter has clearly indicated who he wants or who he voted for, that is, be it an "x" or a tick or whatever mark he may use, it is not rejected because it is not in a particular fashion, it was not with a black ball point pen which were some of the grounds for disqualification before. I recall in the 1988 Election, many votes on many ballots were rejected because of simple little technical things like they used a tick rather than an "x" and also if the mark was within the line rather than the outside.

I think as long as the identification of the voter is not indicated; we had one case of that, Madam Speaker, where the voter was so excited and so determined to let his candidates know who he voted for, he wrote his name beside each of the candidates, and naturally, it was rejected, but as long as there is a definite indication as to whom that person voted for, that vote should be counted. Madam Speaker, I also object to the proposed amendment as indicated in the table at the back of the law, where the districts will no longer be referred to as the first, second, third, fourth, fifth or sixth district, but will basically be called by name. For example, West Bay is now referred to as the First Electoral District. In future you will simply refer to be the First or Second Elected Member for West Bay, which is a common thing here, but I think the mere fact that West Bay has always been known as the First Electoral District, that I would prefer that that reference be retained.

Madam Speaker, I am hoping that as a result of the amendments that are being put forward in this bill, and hopefully over the next few years, the new Government will take more of an interest to insure that the necessary improvements to the election process is put in place to improve our elections process and it would reduce the hardship that are presently experienced, not only by those voters, but by the candidates themselves. For example, Madam Speaker, I am hoping over the next few years that the introduction of the voters cards will be a reality. Many of our people in this past registration process were disenfranchised for one reason or the other and the majority of them were not put on the voters list, simply because someone did not take the time to go out. There were many homes, I know for example, in my district, where the registration officers did not go, or if they went and no one was home, refused to go back. As a result, Madam Speaker, there will probably be many people in the districts, who, on November the 18th, will show up at the polls with a desire to vote, only to be told that their names are not on the Voters Registration List.

I am also hoping that over the next four years, that we can have the Elections Office look at the different types of equipment used in the voting process and some decision is made on the purchase of that equipment, to be in place for the next General Election scheduled for 1996. I think it is long over due, and as I said before, I think it will improve the entire election process which can only be good for our people. Thank you, Madam Speaker.

**MADAM SPEAKER:**

Second Elected Member for Boddan Town

**MR. G. HAIG BODDEN:**

Madam Speaker, the revision of this Election Law has taken a very long time. The committee to deal with it, had been set up more than three years ago. The Government has been very negligent in not completing this Bill prior to the start of the election process. The election process started in March with the registration of voters and here we are today dealing with a Bill to amend the Election Law, when in another two months the House will be dissolved for a General Election.

We know that Government can move with haste when it suits them. We saw the swiftness with which they moved to get that \$18,000,000.00 in their hands, not even giving the

five days for the motion to be exposed to the public. There is no excuse for this bid having such a long gestation period. We will hear that this Bill had been caught up in the amendments to the Constitution, which is another matter that has been so badly timed that the House may be dissolved before we know what the draft Constitution will look like. The whole thing speaks of inefficiency in the Government and a total disregard for the public as I am certain that the public does not know what is in this Bill today. They will hear for the first time about these many far-reaching changes which will affect the upcoming election. The whole registration process was a fiasco. One got the impression that the Government did not want to register anyone at all by the many restrictions that had been put on by God knows whom, because no one would take responsibility for what had been done and the many times that the Government, through the media, had to go to the public and say, "We did not mean what you were told first by the Registration Officers. We will allow a few of you to be registered and so on."

The Member, in introducing this bill, mentioned the matter of the electoral boundary between Bodden Town and George Town, which he called an ancillary matter to this bill, but which we think is of vital importance. Everyone knows the history of this boundary. I think it was prior to the 1984 Election. The Government decided to amend the Election Law and to put into it grid marks to show precisely where the boundaries of each district would be. Before that time, the boundaries had been defined simply as being at a certain spot, say the intersection at Frank Sound or something like that. Well, it so happened that when these grid marks were put in by the surveyors, no one really knew what the figures meant in the law, except the surveyors and the amending bill went through. Later, it was discovered that through a mistake, the boundary between George Town and Bodden Town had been changed.

Ever since that time, it was too late to change it for the 1984 Election. Ever since that time, attempts have been made to get the Government to correct the mistake. Well, things seemed to be settled when the First Elected Member from Bodden Town and I, brought a motion to this House, with a petition signed by many of the residents in the area affected seeking the change of the boundary back to its original position. The Legislative Assembly accepted the motion, and we have waited for the Government to make the simple change and to bring the law with the new grid marks. The Member, who is now the First Official Member of Government, made a statement in this House, in February of 1991, I think it was, stating that he had investigated a matter and had found out that the surveyors had made a mistake because they had used an old map or a faded map but the Government would go ahead and make the corrections.

Well, that has not happened and we have found out since that the Government has absolutely refused to correct this mistake. In other words, what they have done, is, in my opinion to gerrymander and that is simply to use their position to favour a particular political group, to favour one particular candidate and to leave the boundaries divided in a mistaken way, in such a way as to give an unfair advantage to the existing Government. To cover up what they have done, they claim that they are going to leave it until after the Constitution has changed and they will let the Boundary Commissioners straighten it out. I maintain that this is not an issue for the Boundary Commissioners to deal with at all because the Commissioners who wrote the report, were afraid that a bad Government would do exactly what this present Government is doing!

I would like to quote from the report of the Constitutional Commission as on page 16, when they say, "At present there are six constituencies in the Islands. Two single Member constituencies and four multi-member constituencies. Constituency Boundaries and the number of Members returned by each constituency are set out, not in the Constitution, but in the Elections Law. This arrangement ensures flexibility and we do not suggest it should be changed." Now, listen to this! "We are concerned, however, that under such an arrangement it would be possible for the Government of the day to use its majority in the Assembly to amend the Elections Law and re-draw the constituency boundaries to its political advantage."

While it is true that such an amendment could if necessary, be disallowed, we much prefer the alternative proposal put to us that an independent Boundaries Commission be provided for in the Constitution. We know that there is not a hope in the world that the present Governor is going to have any matter like this disallowed. While they have not used their position to change the law, they are certainly using their position to keep it as it is after they have found out a mistake, which they admitted the Government made, so, what has come to pass, is what the Commissioners feared, that the Government of the day, as stated in this report would use its majority to gerrymander!

Everyone knows the word "Gerrymander" comes from that infamous Governor Elbridge Gerry, the Governor of Massachusetts who in 1812 did exactly what is being done here today. Also the Select Committee set up to deal with Election matters, discussed this matter and in the report which was tabled and which has been referred to by the Member, mentions that this boundary should have been corrected. I read from it the decision of the Committee. "Agreed by majority, that the Bodden Town, George Town Boundary be reverted now to its original markers before the next General Election." This is not a matter to go to the Boundaries Commission, there is no dispute at all about where the line should be. There is no dispute as to the population distribution. These are matters for a Boundaries Commissioner and if we had a Boundaries Commissioner at this time, we could say, "Well, let us refer it to him," but remember, we do not even know if the amended Constitution will contain a Boundaries Commissioner! Shame on the present Government for taking an unfair advantage and for manipulating this matter in the way that they have done!

I am not happy with other aspects of this bill. The Bill amends the percentage of votes required which a candidate must obtain to reclaim his deposit and changes it from 1/16th to 1/10th. A change like this would mean that out of 500 votes in a district, the Member must now get 1/10 or 10 out of 100 rather than 1/16th which would have been about 6 out of 100 but what disturbs me with it is that the amendment in the law, does not seem to follow the recommendation in the Committees Report. I read the recommendation in the Committees Report, to mean 1/10th of the votes passed, while the Bill is using 1/10th of the ballot papers marked and this is going to make a substantial difference in the multi-seat constituencies. I am

unhappy with this. The Third Elected Member from West Bay, who spoke about the change in the help given to people who are unable to vote by themselves, also disturbs me. It appears that an individual unable to vote by himself will not be able to get a friend to mark his paper for him at the next election, he will have to depend solely on a Government appointed and Government paid presiding officer. The Member introducing the Bill mentioned something about this might help that a friend would not influence the election but under the old law a friend could not influence the election because the friend as defined in the law, could not be a friend to more than one person in one General Election. A person could not appoint himself a friend and go and mark the ballot papers for 10 or 15 people.

Now we have a Government appointed and a Government paid Presiding Officer that can mark all the ballot papers for all the people unable to vote by themselves. So, the chances if this can happen this way of an election being influenced are far greater with this amendment than if we had left it in the way it was. Of course, I know the law goes on to say, that the person can have a friend present when the Presiding Officer is assisting him to vote, but having a friend present is certainly not the same as having a friend mark the paper. I believe Caymanians are sensible enough that when they take the friend into the polling booth, they know that they can depend on that friend and they know that the person they take with them will mark the paper according to their wishes. This amendment takes away all the privacy from the person. The whole world will know for whom the person votes. He has to call it out, people hear it, people watch the ballot paper being marked and this certainly cannot be good.

**MADAM SPEAKER:**

Would you take a break at this time?

**MR. G. HAIG BODDEN:**

Madam Speaker, if you just give me one minute, I will finish because I have found that particularly this year that talk is in vain in this House. The Government has come with its votes and it is going to put through everything as it is. I would have liked to have seen much more time for the publication of this bill, so that we could hear from the public whether they agree with the changes I have mentioned plus the other substantial changes which are in the bill. I thank you Ma'am.

**MADAM SPEAKER:**

House will be suspended for 15 minutes.

**AT 3:43 P.M. THE HOUSE WAS SUSPENDED**

**HOUSE RESUMED AT 4:06 P.M.**

**MADAM SPEAKER:**

Please be seated. The Debate continues on the Election (Amendment) Bill 1992. Third Elected Member for George Town

**MR. TRUMAN M. BODDEN:**

Thank you Madam Speaker. This Bill is once again an important bill and it deals with some major changes in the Elections Law. The Honourable First Official Member has gone through the details of this Bill quite comprehensively and has been quite good in his opening there and I do not intend to duplicate that Madam Speaker. All I really intend to do is just speak briefly on a few of the sections that I feel need some elaboration on. The section that deals with a voter who is unable to vote without assistance and which is amended from permitting a voter who needs assistance to take in with him or her, a friend who is normally a relative and who could normally go in only once, that section has been omitted and a new section has been put in its place. The effect of that is that now anyone needing must have the assistance of the Presiding Officer who is normally the civil servant in charge.

If however, that person wishes to have a friend, then he can take a friend in and he will have both. This, I personally think, is a very material change. I do not agree with it. I really think it is going to deter people from exercising their voting rights because there are people who will confide in their relatives or in a very good friend who may not necessarily want to confide in one of the officials at the Elections. Not saying that there would be any disclosure, there cannot be any disclosure but it is simply an uncomfortableness with having to state who you have to vote for to someone who is not really or may not really be a friend. It is significant to note that when this arose on the 25th of March 1992 at page seven of the minutes, when this was voted on, it was a majority of the committee who recommended that there remain the right to have a friend assist and this was set out and I will read briefly on this under "Incapacitated Voters." "The Member for Education proposed that in the case of incapacitated voters the right to have a friend assist with casting a vote as opposed to the Presiding Officer assisting, see section 38 of the law, should be abolished as it is open to abuse." This was opposed on the basis that many people felt more comfortable with a friend doing this than an election official. The Chairman then put the question, a division was sought. The Ayes one, the Honourable Benson Ebanks. The Nos seven. Mr. McKeeva Bush, Mr. John Jefferson, Mr. Truman Bodden, Mr. Gilbert McLean, Mr. Roy Bodden, Mr. Haig Bodden, Mr. John McLean. Abstention, one, Captain Mabry Kirkconnell.

I guess the second point, Madam Speaker, the whole idea of having a committee is that what comes out of there by a majority should normally be what is accepted in the Bill in the House. In this instance, much has been said about Members not being present, by I think it was the Member for Health, but in this instance, the only Aye there was the Member for Education. None of the rest of Exco, I assume, was there at least in the division. When the division was taken they were not there. It did go with a majority of seven and abstention for the First Elected Member for Cayman Brac, so I think that the public needs to know that this was recommended differently in the Committee and while Government has the legal right if it has the votes in here to reject what the Committee is saying.

If they were going to do that, Madam Speaker, I really think that

in fairness they should have followed the Minority Report version and have stated in this that they, as a minority, are objecting to it because they all signed the report which recommends that this happened and they all signed it, yet they are going to vote for a law that is different from it. It is a bit unusual to say the least. However, I could not understand from the argument put up against having a friend is if that friend can only be used as a friend once then I cannot really see how there can be any fraud involved because if somebody brings a friend and they go and vote once, I think it is the right to secrecy of the vote is far more important really than having an official present.

I think many other sections are extremely good, especially Sections which alleviate what one votes with instead of a pencil now this can be with a pen. Also the sections that deal with what the vote intends or who he intends to vote for providing that it does not disclose his identity. These I think are really good improvements to the law and by and large this Committee, I think did a lot of work very quickly and very effectively quite in depth in dealing with these matters. What I would hope finally, is that after each election, problems arise in this law that we get as we did last time, a report from the Elections Supervisor, himself, as to where problems are and let us try to keep the law updated after each election to keep things properly moving on because areas such as the sections for Voters Registration Cards one of the other Members mentioned I think are very important that we get on to a system where we do not this rush and expense, I would say, on Government over a short period of time to get people on the voters list.

As time goes on, I think a lot of the problems that we have had, I think that we can keep amending these as time goes on. I support the bill. I do not support that section and I hope that in the Committee stage that we could ask you, as Chairman, Madam Speaker, perhaps put that section separately because it is about the one area there would be a difference in voting and I would vote against the section that removes a right to have a friend alone. Other than that, I may just say that I can only pray that the Elections run very smoothly. I know that the supervisor and his staff are quite able and I think with God's help we will have a fast and efficient and a good election in the year to come.

**MADAM SPEAKER:**  
Elected Member for Bodden Town

If no other Member wishes to continue the debate. . . . The First

**MR. ROY BODDEN:**

Thank you, Madam Speaker. There are a few things I wish to say concerning this Bill for a Law to Amend The Elections Law, 1983. I guess in all candor, the first thing that I would wish to state is that our electoral process in the Cayman Islands is one which up to this point, I am proud of and satisfied with as being fair, honest and reasonable and I would like to assure the First Official Member and would wish him to pass on to the Electoral Office my sentiments because I appreciate the hard work done by his officers and I also appreciate the importance of not only doing this work to the best of their ability but letting people believe it is done to the best of their ability in all fairness and in all honesty. That is very important and it makes their task that much easier when people like myself have that kind of faith in the system.

Madam Speaker, I say that from both sides of the scale because I have lost elections before and I had no reason in that loss to query any of the procedures and since I have won, I feel equally satisfied and I believe that we are still on the way to having the system operate in such a way that my confidence and the confidence of others can be maintained. However, that does not by any stretch of the imagination mean that we cannot effect improvements in the system. Now, Madam Speaker, one of the major grouses I have with the present bill has to do with the referral of the debate which concerns the boundaries in my constituency. The boundary between my constituency of Bodden Town and George Town being referred to a Boundaries Commission for final settlement or arbitration.

The reason why I take exception to this is simply, Madam Speaker, that in addition to all the arguments, my colleague pointed out concerning the matter is that in the first place, it did not take a Boundaries Commission to rearrange this boundary, so it should not take a Boundaries Commission now to effect the final settlement. I also take issue with the point that there is no guarantee that there is going to be any Boundaries Commission because since we have not seen the draft Constitution there can only be a presumption that there will be a Boundaries Commission. Even if there is a Boundaries Commission, when will that Commission meet?

Madam Speaker, I am concerned because I canvassed some of the residents in that area and have a petition which unfortunately I left in another file at home, clearly stating the wishes of those people to revert to the Bodden Town Constituency of which they were residents originally. House to house, I have visited and have their names, signatures and phone numbers. Now is the Government telling me that they are prepared to ignore this? Madam Speaker, the matter is quite serious. No longer than last evening at a function, I was approached by a constituent in this area who voiced confusion because they were planning to vote for candidates in the Bodden Town area and are disappointed so much so that the constituent told me that they are befuddled now as to who to vote for.

I do not know if it is the result of gerrymandering. I would prefer to think that that is not the case because, Madam Speaker, once we have these kind of proceedings set successive political directorates are tempted to take little dips and change the grid marks and the map to give them the advantage, consequently, we have the erosion of fair and true democracy. We have some people crying, "foul" and then the system generates into a state of flux much as it is in some jurisdictions where continuously one party or the other is screaming that they have been disadvantaged because the Government of the day dare change the boundary to give them an advantage. Then, Madam Speaker, more substantively, I question the Governments authority to do this based upon Standing Order 49(2) entitled Committal of Bills which if my interpretation is correct, states: "When a Bill has been referred to a select committee, no further proceedings shall be taken thereupon until the select committee has presented its report to the House."

Further, Standing Order 55(1) which states: "If a Member



desires to delete or amend any provision contained in a Bill as reported from a Committee of the Whole House or to introduce any new provision therein, he may at any time before the question has been proposed upon a motion for the third reading of a Bill, move that the Bill be recommitted, either wholly or in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule; and if the motion is agreed upon, the Bill shall stand so recommitted and the House shall resolve itself into a Committee to consider it." So, Madam Speaker, my substantive argument is that this move by the Government is illegal and I would welcome some higher expertise and clarification on this matter before the end of this debate.

Madam Speaker, as regards section 58, I too have a little concern about that. My concern is to the point where, in the previous law, we had an arrangement which worked perfectly, why do we have to change it now for something which according to the Honourable Members, is bound to be controversial? Perhaps, all we needed to do was to be a little more energetic in our pursuit and of our monitoring of the old system. Finally, Madam Speaker, I want to mention briefly the motion of voter identification cards. I recall very vividly when I moved the motion calling for a National Identification System in this country and like a few other motions which brought an element of progressiveness, it was rejected.

Madam Speaker, I am sitting back smiling because I know that sooner or later we are going to have to resort to such methods because the whole world is changing and the antiquated systems of operating the bureaucracy that we still have will be out-moded to the point where we be the only country in the world operating under such obsolescent systems. I hope since it is not possible for this election that by the next election, we can have such a system in place, not only does it allow for a smoother transition of events, it also allows for quicker results, more accurate monitoring and if people have proper identification cards, easier voter registration, even to the point where it is relatively easy when people change residence and move from one constituency to the next.

I would request of the Honourable First Official Member of the Government to give serious thought and consideration to these things because they will help maintain the efficiency of the system we have in place and will further serve to inspire the confidence of participants both at the level of voter and at the level of candidate. Thank you.

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

**MADAM SPEAKER:**

It is now 4:30 pm.

**ADJOURNMENT**

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, I beg to move the adjournment of this Honourable House until 10:00 on Wednesday morning the 8th July, 1992.

**QUESTION PUT: AGREED.**

**AT 4:31 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M.,  
WEDNESDAY, 8TH JULY, 1992.**