



# **CAYMAN ISLANDS LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT**

**1993 SESSION**

*(in two Volumes)*

**The Honourable Mrs. Sybil I. McLaughlin, MBE, JP  
Speaker**

**VOLUME II**

*(Comprising the period 16th September - 3rd December, 1993)*

**Session summoned 5th March, 1993  
Prorogued 22nd February, 1994**

## GOVERNMENT MEMBERS

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

**HON. RICHARD HAYLOCK COLES**  
Second Official Member Responsible for Legal Administration

**HON. GEORGE ANTHONY McCARTHY, OBE, JP**  
Third Official Member Responsible for Finance and Development

**HON. THOMAS CARROLL JEFFERSON, OBE, JP**  
Elected Member Responsible for Tourism Environment and Planning  
Leader of Government Business

**HON. JOHN BONWELL McLEAN, JP**  
Elected Member Responsible for Agriculture Communications and Works

**HON. TRUMAN MURRAY BODDEN, OBE, JP**  
Elected Member Responsible for Education Culture and Aviation

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## ELECTED MEMBERS

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

**MR. DUNSTAN DALMAIN EBANKS**  
Fourth Elected Member for the First Electoral District of West Bay

**DR. STEPHENSON ANTHONY TOMLINSON**  
Second Elected Member for the Second Electoral District of George Town

**MRS. BERNA L. THOMPSON MURPHY, MBE**  
Third Elected Member for the Second Electoral District of George Town

**MR. DARWIN KURT TIBBETTS**  
Fourth Elected Member for the Second Electoral District of George Town

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

**MR. GILBERT ALLAN 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. ANTHONY SAMUEL EDEN, JP**  
Second Elected Member for the Fourth Electoral District of Bodden Town

**MR. GEORGE HAIG BODDEN**  
Third Elected Member for the Fourth Electoral District of Bodden Town

**MRS. EDNA MARIE MOYLE**  
Elected Member for the Fifth Electoral District of North Side

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**Abbreviations:** 1r, 2r, 3r, first, second, third reading; CAL, Cayman Airways, Ltd; (C), Committee; GHHS, George Hicks High School; GM, Government Motion; GT, George Town; ILFC, International Leasing Finance Corporation; JGHS, John Gray High School; PM, Private Member's Motion; (R), Report; S.O., Standing Order.

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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

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Miss Jewel Hydes  
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**MONDAY  
8TH NOVEMBER, 1993  
10:12 A.M.**

**THE SPEAKER:**

Prayers by the Elected Member for North Side.

**PRAYERS**

**MRS. EDNA M. MOYLE:**

Let us Pray.

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

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

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.

**THE SPEAKER:**

Please be seated.

Proceedings are resumed in the Legislative Assembly.

**ANNOUNCEMENT BY THE PRESIDING OFFICER**

**APOLOGIES**

**THE SPEAKER:**

Apologies have been received from the Honourable Member for Tourism, Environment and Planning who will be overseas on official duty from the 7th to the 9th of November. We now go to Item 2 on the Orders of the Day, Questions to Honourable Members. Question 171, standing in the name of the First Elected Member for Bodden Town.

**QUESTIONS TO HONOURABLE MEMBERS**

**QUESTION NO. 171**

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

**No. 171:** To state whether the road repair work being done by Petroservicios in Bodden Town is of the specifications laid down by the Public Works Department.

**THE SPEAKER:**

Works.

The Honourable Member for Agriculture, Communications and

**HON. JOHN B. McLEAN:**

Thank you, Madam Speaker. The reinstatement of the surface paving in Bodden Town does not meet the specification for smoothness of the finished surface as required by Public Works Department's specifications. The work does meet other requirements. The Water Authority has been instructed by Public Works Department to bring the reinstatement up to standards. The matter is being monitored by the Department.

**SUPPLEMENTARIES:**

**THE SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Can the Honourable Member say if his now means that the Public Works Department will assume the responsibility for examining the road to see that he repairs are smoothly finished, and not as it is at present - bumpy?



- THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.
- HON. JOHN B. McLEAN:** Yes, Madam Speaker. Public Works has always checked such surfaces and it is our intention to closely monitor what is happening in Bodden Town, and to make certain that the surfaces are smooth.
- THE SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if the material used to fill the holes prior to sealing the surface will be marl, or whether the involvement of Public Works will necessitate that Petroservicios use crushed rock, or quarry dust, as we call it?
- THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.
- HON. JOHN B. McLEAN:** Madam Speaker, as far as I know the company in question utilises some of the fill which is removed from the site to get a smooth finish. It is possible to use either marl or quarry dust.
- THE SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Could the Honourable Member say if in the process of Public Works supervising this particular area of work, which is now extensive - that of the Water Authority - will they be looking to see that other areas of the roads here in the Islands also meet the standards, or have it corrected?
- THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.
- HON. JOHN B. McLEAN:** Madam Speaker, one of the problems with supervising such a project has been the manpower. However, the Public Works Department is trying its endeavours to look not only at Bodden Town, but throughout where the utilities companies are presently damaging the roads. Yes, we will do whatever we can to have them reinstated to the proper surface.
- THE SPEAKER:** The Fourth Elected Member for George Town.
- MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. I wonder if the Honourable Member could say if the Portfolio might be considering having one party do these road repairs whenever the utilities companies are doing work on the roads so as to end up with a uniformed quality job at the end of the day, rather than having the various parties deal with bringing the roads back to the original standards?
- THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.
- HON. JOHN B. McLEAN:** Madam Speaker, the standards are set by the Public Works Department and are monitored by the Public Works Department. They do not undertake to do the work and are privileged to use whichever of the companies that provide such a service.
- THE SPEAKER:** The next question is No. 172, standing in the name of the First Elected Member for Bodden Town.

## QUESTION NO. 172

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

**No. 172:** To say what is Government's responsibility toward the public in relation to ensuring that owners of subdivisions maintain the roads (even though these roads may not be gazetted as public roads) so that road users and home owners can have safe and well maintained roads.

- THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.
- HON. JOHN B. McLEAN:** Thank you, Madam Speaker. The Government has no authority to require owners to maintain private roads. The original owner or developer has the responsibility to maintain the roads. Under the current Law, homeowners must look toward the developer to build and maintain private roads.

Unfortunately, many developers have sold out their subdivisions without providing for adequate construction or maintenance of the road, and these subdivisions become a source of complaint to Government.

Government is considering a scheme which will require new legislation that would give the Public Works Department authority to hold the developer financially responsible for both construction and maintenance of roads in subdivisions.

## SUPPLEMENTARIES:

- THE SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say in those situations which exist now, where subdivisions have been sold out but the roads have been in a dilapidated state, if the users and the homeowners in those areas can expect some form of help from the Government as far as patching the holes is concerned?
- THE SPEAKER:** The Honourable Member for Agriculture, Communication and Works.
- HON. JOHN B. McLEAN:** Thank you, Madam Speaker. It is my understanding that this is the way it has been - the Public Works Department has tried as much as possible to assist in such areas where the subdivision has been sold out and the roads are bad. However this year we will try to focus, more or less, on the main ways.
- THE SPEAKER:** The next question is No. 173, standing in the name of the First Elected Member for Bodden Town.

## QUESTION NO. 173

## THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

**No. 173:** What progress is being made in collecting the revenue lost by the underdeclaration of duty by Cayman Cement Distributors Company Limited?

- THE SPEAKER:** The Honourable Third Official Member.
- HON. GEORGE A. McCARATHY:** The probability as to any loss of revenue arising from underdeclaration of duty by this company is currently under review. I should however point out that there is no substantive proof, through documentation submitted in respect of imports by this company, of any such underdeclaration. However, due to certain allegations, the matter is currently under review by the Customs Task Force and because of this it would be inappropriate to provide further details at this time as this could limit the options for further action, should this prove necessary, as a result of findings by the Task Force.

## SUPPLEMENTARIES:

- THE SPEAKER:** The Second Elected Member for Cayman Brac and Little Cayman.
- MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Could the Honourable Member explain what Unit, or precisely what he means by that? Customs Task Force, is that an internal audit team, or exactly what is the Customs Task Force and what is it doing?
- THE SPEAKER:** The Honourable Third Official Member.
- HON. GEORGE A. McCARATHY:** Thank you, Madam Speaker. The Task Force is a unit or section within the Customs Department that is charged with the investigation of offences.
- THE SPEAKER:** The next question is No. 174, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

## QUESTION NO. 174

## THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

**No. 174:** To state the number of licences issued and valid covering television broadcasting in the Cayman Islands.

THE SPEAKER:  
and Aviation.

The Honourable Member responsible for Education and Culture

DEFERRAL OF QUESTIONS  
Standing Order 23(5)

HON. TRUMAN M. BODDEN: Madam Speaker, I would ask that questions 174, 175 and 176 be put for another day as these are not ready at present. I have spoken to the Honourable First Elected Member for Cayman Brac and Little Cayman and he agrees with that. I do apologise.

THE SPEAKER: The question is that question Nos. 174 to 176 be deferred until another day. Those in favour please say Aye...those against no.... The Ayes have it.

AGREED. QUESTIONS NOS. 174 TO 176 DEFERRED.

THE SPEAKER: The next question is No. 177, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 177

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

No. 177: What is Government's present policy on maximum time limits on work permits, commonly referred to as "roll-over" time?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, there is currently no "roll-over" policy in operation.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say then if that means that the C1 type of permit, for example, the two year type of permit, is no longer in existence and is it simply wide open and that there are no breaks between permits on an annual basis?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, historically the matter that has been referred to as the "roll-over" policy has been interpreted as that cut-off point at which persons are expected to depart the Islands on the basis that they have spent sufficiently long a time and their residency may qualify them for permanent residency or for the grant of Caymanian Status, or some other form of security of tenure.

The question of the permits issued under Directive 1C are not normally referred to as this category of policy simply because those permits are granted as non-renewable, non-extendable and non-transferrable in the first instance, and are issued for periods up to a maximum of two years. There is a mandatory break between those, and that break, presently, is a minimum of six months. If that is what the Honourable Member is referring to, then yes, Madam Speaker, there is that as a matter of policy. That was not what I interpreted to be what the question was seeking to address.

THE SPEAKER: The next question is No. 178, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 178

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

No. 178: What is being done to consider applications for Caymanian status under the categories stopped by the present Government?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: The Immigration Law, 1992, section 16 (5), requires that applications shall only be dealt with in accordance with a quota to be fixed by the Governor in Council which quota shall be gazetted. With the exception of those applications based upon "length of residency", all applications are being processed. Government is reviewing the position with regard to applications falling under the "length of residency" category with a view to determining whether a quota should be set and, if so, how many.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member give the House any time indication as to when a decision might be taken on this since it is almost a year since the halt has been called on the grant of status under the section of long residency?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, the only indication I can give is that the Government intends to make a decision on this in the very near future.

THE SPEAKER: The next question is No. 179, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 179

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

No. 179: When will written directives to the Immigration Board be made to ensure that Government's intent, in regard to the approach to be used by the Board and its actions, coincide?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: The Immigration Board currently operates under directives that have been carried over from the Caymanian Protection Law, 1984, which was replaced by the Immigration Law in October, 1992. Consequently, the directives under which the Board operates have, so far, remained unaltered. Having addressed some more pressing issues, the Government is currently reviewing these directives with a view to ensuring that policies adequately reflect changing circumstances and the Government's stated commitment to giving every encouragement to the business community.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say if the way the Board is now arriving at its decisions in the various areas is in keeping with what Government's intentions are at this time, even though there are no written new directives? Quite recently there was a statement to the effect that the Board was acting contrary to what was intended.

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, the Government is satisfied that in instances where there may have been any misunderstanding or misinterpretation of those policies, that corrective action has been taken to remedy that situation and hopefully the new directives will make it even clearer what the Government's wishes and desires are. There are always bound to be settling down periods between transitions of Governmental administrations and this one has been no different from any other in the past.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. If there have been any specific cases affected by actions in the past, are they being addressed in the normal course of appeals, or have there been any such matters brought to the attention of the Board?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, the normal avenue of recourse in the form of

appeals is very much still open to applicants who are aggrieved by decisions and that is usually the formal process through which grievances are finally resolved and settled.

**THE SPEAKER:** That concludes Question Time for this morning. The next item on today's Order Paper is Government Business, Bills, First Reading.

## GOVERNMENT BUSINESS

### BILLS

#### FIRST READING

##### THE LABOUR (AMENDMENT) BILL, 1993.

**CLERK:** The Labour (Amendment) Bill, 1993.

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

#### SECOND READING

##### THE LABOUR (AMENDMENT) BILL, 1993.

**CLERK:** The Labour (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON W. McKEEVA BUSH:** Thank you, Madam Speaker. This Bill comes to this House in a serious effort to discourage the dishonesty going on in some areas of the Tourism Industry with respect to the collection of gratuities and the payment of such gratuities. It has severe penalties and it is support for the gratuity system which, I have always maintained, is an important part of the economic structure within the Tourism Industry. The addition of a gratuity charge to hospitality industry bills has been the norm in the Cayman Islands for many years, well nigh on to 25 years, if not more. It is an almost universal practice with only a small percentage of such businesses not automatically adding a gratuity normally ranging from 5% to 15%. The automatic gratuity has allowed the hospitality industry to minimise labour costs, and employees, even in the highest paying establishments, would be hard pressed to survive in these Islands on their basic wages alone.

For example, at the Job Fair, held on the 1st of May this year, one hotel was seeking staff at a starting wage of \$2.00 per hour. It is clear then, that employees must be assured of additional income in the form of gratuities. One might say that such employees will be voluntarily rewarded by customers for good service if there is no automatic gratuity added to the bill. While this might be true to some extent for employees such as waitresses, who deal directly with customers, the question must be posed, what about the majority of employees who have little, if any, direct contact with customers, such as, kitchen staff, front office staff, maintenance staff, laundry staff, and so on? Are employers in the Hospitality Industry willing to raise wages to compensate for the income their employees now receive in the form of gratuities?

Madam Speaker, in my meeting with the Hotel and Condominium Association, this was one of the questions that I asked. Are they not only willing, are they able to raise salaries in a manner, and in amounts that will compensate a gardener for the amount of gratuities he now collects? As I said, within the economic structure in the Tourism Industry, I do not think so. From the first time that I announced my intentions to create a much more severe penalty for those who pocketed gratuities that should have gone to employees, there were those skeptics, as usual, who rose to oppose us on this issue. Quite a bit has been said, but the crux of their argument is that they feel that collecting gratuities in this country today is somehow now, after 25 years, wrong.

Madam Speaker, and Honourable Members of this House, all of my life I have been close to the Tourism Industry. As I said, for just about 25 years, if not more, gratuities have been collected. There has not been any serious hew and cry from tourists about paying gratuities. Yes, we have seen a few letters in the papers now and then, some, which I think were managed letters, but, by and large, there has not been any serious hew and cry. We note that there are residents who write letters to the press complaining about this action.

I have heard many excuses, Madam Speaker, one being, why should people in that category, sometimes for the month, make more than management? I believe that is where the problem lies, because even some people not within the tourism sector have voiced this to me. Why should these foot soldiers in the hotel industry make as much, sometimes, as somebody in medium managerial levels within other areas of the private sector? Madam Speaker, it is my opinion that gratuities are a fundamental part of the tourism industry and without the gratuity system many persons would not have been able to share in the high standard of living that this country has known. Again, I am referring to that sector, or level, within the tourism industry - the maid, the gardeners, the dish washers, and so on - they would not have been able to share in the high standard of living in this country.

This country has maintained a very decent standard of living over the years. Those people not in management positions within the tourism industry have been able to take a

vacation like everybody else; they have been able to take their children on a vacation, sometimes, like everybody else; they have built good homes or they have made additions to their homes, and this was, or is, accomplished with the help of gratuities. What this Honourable House and the country should consider is, if the minimum wage was to be instituted at \$5 or \$6 per hour, what would happen to those people when their time is cut in half during the slow season, when their hours are so little.

Yes, they have been able to share in a good standard of living, and for this I am glad. As I have said, Madam Speaker, their regular weekly salary or regular pay cannot pay their electricity bills, some of them, for the month. As the Member with the responsibility for Labour, in spite of criticism, I am not going to contribute in any way shape or form to a deterioration in the standard of living of my people.

It seems some people, now realising it will be too costly for them to pocket these gratuities, are now prepared, or would wish, to stop collecting gratuities. This is one of the reasons I have placed in this Bill a clause by which we can prescribe a minimum rate of gratuity, and I want to let this House and the country know that as long as I have the responsibility I will not hesitate to use that section, or that clause, of the Bill, if this is what it takes to maintain the practice for which there seems to be no viable alternative.

Madam Speaker, for years this is something that has been a blemish on this country because we allow this sort of white collar crime to continue, and as soon as you speak about it, you are no good. There is an old man in West Bay who said to me, "It seems that business people can steal and call it business, but if the poor man steals then they say he is a robber." But to me, the Bible says, "a thief is a thief". I say, in very plain words, that this practice must now stop in this country.

It is necessary then, to ensure by Law that the gratuities collected are distributed totally and fairly to eligible employees and to provide for penalties for those employers who fail to properly account for and distribute such gratuities in accordance with the Law. Over the years the number one complaint of employees in the Hospitality Industry has been their belief that either their employer is unlawfully withholding a portion of their gratuities, that the gratuities are not being shared in an equitable fashion, or that management personnel are receiving a share of the gratuities, or, all three combined. We are convinced that many of these complaints are legitimate and that the steps we are introducing, and these amendments, will go a long way towards clarifying responsibilities, minimising abuses and reducing complaints.

Madam Speaker, much that is contained in this amendment is enshrined in the Labour Law. For example, the Law mandates that employers who regularly collect gratuities must keep accounts, recording all such gratuities collected, and the manner in which they were distributed, and it empowers the Director of Labour to inspect these accounts and make copies or extracts thereof. So, this amendment is not adding any paper work burden on employers. However, it must be noted that there are some 18 properties that fail to distribute - when I say distribute, to keep the proper records and make them available - and after operating for several years they claim that they did not know it was in the Law.

The most meaningful change contained in this amendment, Madam Speaker, is the increase in penalties. The current Law provides a maximum penalty of a fine of \$5,000, or imprisonment for six months, or both, for violation of the Law as regards to gratuities. Madam Speaker, when an employer can withhold for himself large sums of the employees' gratuities - in one case alone \$160,000 by one employer in one year - what kind of deterrent is a \$500 fine? It is absolutely necessary to provide for a penalty that will act as a deterrent and ensure that gratuities collected are received only by those persons for whom they were intended.

Madam Speaker, notice has been given that during the Committee stage of this Bill I will be moving certain amendments to the Bill as follows:

"In section 34(2) the words "Classes of" should be inserted at the beginning of the sentence and subsequently the "E" in the word "Employees" should be changed to lower case letter "e".

in section 34A (2) the words "within three weeks of its collection or receipt by the employer", should be replaced by the words "within three weeks of the end of the calendar month in which they were collected or received".

And what this is doing Madam Speaker, is giving the employers time to collect the gratuities and enough time for proper distribution. In other words, there are people who pay by credit card and three weeks after the end of a month they could distribute.

"In section 34B (1)(a) the word "day", should be replaced by the word "month"; and the word "on" by the word "in".

This is just a clean up Madam Speaker, of typographical errors.

"In section 34B (4) the amount under the penalty clause should be changed from "\$25,000", to "\$5,000"; and the time should be changed from "one year", to "6 months".

in section 34B (5)(a) the word "display" should be replaced by the words "make available on request"; and the words "in a place where", should be replaced by the word "to"; and the words "may easily read them", should be deleted.

In section 34B (5)(b) the first two words should be deleted and replace by the words "make these", and the word "displayed", should be replaced by the word "available".

The amount on the penalty clause should be changed from "\$25,000", to \$5,000 and the time should be changed from "one year", to "6 months" that is in 34B (5)(b).

In section 34B (6) under the penalty clause, again, the amount should be changed to "\$5,000", and the time to "6 months".

In section 34B (7) under the penalty clause, the amount should also be changed to "\$5,000, and the time to "6 months".

Madam Speaker, that is as far as I am prepared to go in amending this Bill. The main penalties are the penalties of \$25,000, which remains in the Bill for those people caught red-handed. Madam Speaker, I have waited many years on this Bill, and I believe that the poor people in the Tourism Industry have waited many years. I do not think that there is one Member of this House who has not received complaint upon complaint, month after month, and year after year, about the situation prevailing in the Tourism Industry with regards to gratuities.

There is one other obnoxious query that I would like to answer, and that comes from people within the Hotel Industry who, in their own defence, say that the collection of gratuities makes for lazy people - for lazy Caymanians, I have even heard the words used within the industry. Management must be management and neither the Labour Law nor these amendments provides for any laziness. People are hired to work, and work they must. But they must share in the benefits in this country. They must maintain their standard of living. I should also say, Madam Speaker, that when you go to restaurants you do not find too many Caymanian waitresses or waiters, so it cannot be lazy Caymanians that they are referring to.

As I have said, I have waited many years on this Bill and I now have the pleasure in asking the House to approve it.

Thank you, Madam Speaker.

**THE SPEAKER:**

The question is that a Bill entitled the Labour (Amendment) Bill, 1993, be given a Second Reading. The motion is open for debate. (PAUSE) 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 the amendments to the Labour Law, as put forward by the Honourable Member responsible. I believe that these amendments, especially the one dealing with the fine for misappropriation of gratuities, now basically completes the Labour legislation. I remember some time ago, he (the Hon Member) and I brought a Motion calling for Government to establish a proper formula for the distribution of gratuities which I believe Government eventually accepted and put in place. At that time, I recall that when the question was asked there were something like 12 different formulas in place and which apparently were all acceptable as far as the distribution of gratuities was concerned, and we found this very difficult to accept.

Madam Speaker, there was also a problem with regard to who was entitled to gratuities and, again, we were able to successfully bring a Motion that was accepted and passed calling for Government to exempt management from the sharing of these gratuities. I am aware that there are still some properties who are guilty of dividing these gratuities among their management team and I trust, now that there are severe penalties for the distribution being put in place, that this practice will cease.

There is a definition in the Labour Law with regard to management that is pretty straight forward, and I see no reason for misinterpretation. It basically states that it relates to those persons who are Head of Departments who control and direct employees in those respective departments. I do not believe that you can extend it down to include people who are actually employees of that department, other than the supervisors, and say that they are part of management.

I recall visiting quite a few of the major hotels to determine exactly what their policy was on gratuities. One manager, in particular, basically told me, "Mr. Jefferson, every member of staff, with the exception of our Executive Committee is entitled to gratuities." Madam Speaker, that has to be wrong, because it is my understanding that the Executive Committee of that hotel probably consists of half a dozen people. So there are many people in that respective establishment who are getting gratuities who are not entitled to it. I was also told, and this was a concern of ours, that the Labour Department would have sufficient inspectors or personnel with the required background in accounting to go in to actually look at some of the records and books of these establishments, to see how much gratuities are collected, how it is distributed and the list of persons to whom it is distributed to ensure that only those people who are entitled to gratuities are getting them.

It is my understanding now that the Internal Audit Department, I think, or the Treasury's staff are going to be assisting us in that area in that they will lend their staff or make them available for inspections of these respective properties.

Madam Speaker, I see no reason why there has to be such a problem in this area in that management, or the respective employers, in most instances the management team of these respective properties do get a fair wage, and a lot of them also get a percentage of the gross intake as an incentive or a bonus programme, and their wages are much higher.

The Member for Labour mentioned in his presentation that at

the Job Fair there were some jobs advertised at very low wages. I recall, I think some property in Cayman Brac was looking for maids and offering, at that time, something like \$2.50 per hour. How can you live on \$2.50 per hour in the Cayman Islands in this day and age? So, when those persons who are working at those minimum wages are robbed of their gratuities, which they depend on to take care of their commitments, then that is wrong. I believe that those persons who are guilty of those offences should be severely punished by either a fine, or both a fine and a term of imprisonment, because, Madam Speaker, it is stealing.

I believe that these amendments will go a long way to correcting some of the injustices that presently exist in the Tourism Industry with respect to the collection and distribution of gratuities. There were some concerns raised with respect to section 33 of the Law, "Minimum gratuity may be prescribed...". Madam Speaker, it is my understanding that, and this is possible, once this new legislation is implemented the properties involved could easily say, "Well, I am not going to be bothered with the paper work and all that is required in complying with these amendments, and all I am going to do is abolish the collection of gratuities." That is very possible. I believe if that happens Government then has to be in a position where they can say, "This has been a practice for the last 25 years and you must collect gratuities."

One thing that has to be understood is that this in no way changes the position with regard to the guests who pay the gratuity in the first place, because they would still have the option - if they eat at a restaurant and they do not get the service that they feel that they are entitled to - they can still refuse to pay that gratuity. I think that that is the way it should remain, because I believe that there should be some incentive in there for our people to provide first class service if they expect to earn a gratuity. So, Madam Speaker, I do support these amendments, I believe that it is the right way forward, and I congratulate the Honourable Member for his position.

Thank you.

(FAUSE)

**THE SPEAKER:**

Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A McLEAN:**

Madam Speaker, the Bill for a Law to Amend the Labour Law, 1989, addresses a number of points with regards to payments to employees, and wages. But it fails to deal with one of the most, if not the most important aspect - that of a minimum wage. It has long been said, and many claims have been made over the years by employees in the Hospitality Industry, that they have been suffering the loss of gratuity payments. I believe many of the complaints that I have heard over the years - complaints from employees here in Grand Cayman, and, certainly many numerous complaints from employees in Cayman Brac and Little Cayman, that the payment of gratuities represents a large sum of money that is taken in by hotels, restaurants, condominiums and such other businesses. It is supposed to be taken, when it is, for the purpose of distributing it to the employees who offer the services to people who make use of these services. However, among those employees it does not, and should not include those persons in management. For, normally, in any organisation the salaries or the pay of such persons is fixed and it represents clearly the value for the jobs they are doing. Another area of complaint over the years has been that top management has, in some instances, been receiving portions of money collected as gratuities. In this Island it is an ongoing problem.

I believe in many instances there have been exaggerations. In many instances it has also been the shocking truth. When I used to be in the Portfolio of Tourism, Aviation and Trade, I heard many stories about it, and there were a few instances where property owners were quite feisty about it that they did receive, for example, 15%, but they kept back 5% for breakage and so forth and so on. I have never agreed with that particular concept or think that such a thing could be justified. However, I have had occasion to be in the know of various situations regarding gratuity payments, or non-gratuity payments.

This Bill also does not address, as far as I can see, what again is the critical part of prescribing, by law or regulation, a formula for the distribution of gratuities. As has been noted by a previous speaker, over the past two years, or I would say over the past four years, one would hear that there was at least one dozen different schemes for the distribution of gratuities within the Hospitality Industry in these Islands.

Now, Madam Speaker, to the best of my knowledge and belief, when Government prescribes a standard or a way of doing something, it prescribes that standard to apply to everybody. For example, a law doing whatever applies to everybody, then everybody has to abide by that law. It is not the case that the Government would attempt, or should attempt to prescribe a dozen formulas for the distribution of gratuities. If this is the case, then it immediately has a very serious practical problem for it creates more work, more hassle and more confusion to the persons, the Officers, the Civil Servants, that Government will send to inspect these properties to see whether they are doing what they should or should not do. I contend that if this idea of the distribution of gratuities is to be effective, Government has to prescribe one formula that will be followed by all of the properties in these Islands. It simply cannot be sensible to expect that a dozen different formulas are being followed by some properties wherever, and however.

The Member moving the Motion spoke of an instance at the Job Fair where a job was being offered for \$2 per hour. Well, I am aware that there have been instances in the past, in Cayman Brac, where persons have been paid as low as \$1.75 or \$1.50 per hour for minimum wages, plain straight wages. The management in those instances at the properties claimed that the persons were not underpaid because gratuities made up an amount which was reasonable to be paid to the employee per hour. I still argue that the thing that is desirable, the thing that should be done, is to prescribe a minimum wage by category for employees; be they housekeeper, be they cooks, or whomever, that such an employee knows how much they can expect, how much they can get, and Government can enforce such a situation, if such is done.

Only last Meeting, a few weeks ago, I brought such a Motion here because I believe it needed to be done since people in this community, including some in the management level, spoke to me about the situation. I saw merit in it, I believed in it, and it was refused by the Government. At the time it was said that this matter was being looked after. Well, I wonder if it is still being looked after. Looking at it solves nothing. One has to arrive at a decision where something can be practically done and this particular amendment does nothing to resolve that particular problem.

If there are prescribed minimum wages by category it really does not matter too much, or to the same extent, if gratuities are not paid because, in truth and in fact, the employee is getting the true value of the job in his/her hourly pay. Even in the slow season when there is no gratuity, or there is a cut back or a reduction in hours, the employee knows that for the number of hours he/she works they are still receiving fair pay for a fair day's work.

Madam Speaker, I have a certain problem with the Government prescribing gratuities. Where the Government is going to undertake to tell a restaurant they will prescribe 12%; a hotel, for example, they will prescribe 20%; any other property, be it whatever, let us say, they shall prescribe 10% gratuity. There is something wrong, in my opinion, with Government, in this case, attempting to be a percentage prescriber of monies which, in truth and in fact are not being worked for. When a customer goes to a restaurant, or they go to a hotel to stay, or whatever, that gratuity is in addition to what is legally and rightfully paid for the goods or services.

So I believe that the Government seriously misses the point when it is going to say to the various properties - the condominiums, the restaurants, and so on - you will prescribe this amount. I wonder why does the Government finds it easy to prescribe the rate of gratuities but so difficult to prescribe what would be a fair minimum wage by category, seeing that the Government has already, in carrying out its obligations as an employer, prescribed in its Estimate what it found to be fair hourly wages by categories?

Now this Bill goes on to say in Section 33(3) that: "Where it is prescribed the business must charge that particular rate of gratuity." Suppose the management of a business simply says, "I am not going to charge any gratuity". Does the Government deny the businesses their right not to charge gratuities?

Personally, Madam Speaker, I have always viewed gratuity payments as something which is discretionary and voluntary on the part of the person receiving the service. If someone chooses to leave \$50 as a tip on the table for a waiter who has served them well, or \$100 for a cook whom they believe has cooked a scrumptious meal for them, that should be their right. But, when people are being put in a position to pay over and above what is the actual charge for the goods or service, then it has to be delving into an area where there must be serious queries raised.

Should employers who have had gratuity rates prescribed for them not charge the gratuity rates, they can be fined \$10,000. If we now follow the trend of what this Bill is saying in section 33(4) which reads: "The prescription of a minimum rate of gratuity in respect of a business or an activity carried on by a business, or the inclusion of a gratuity in an account rendered by a business does not imply a contractual obligation on the part of a customer of that business to pay any gratuity shown or included in an account rendered on behalf of the business." Now, Madam Speaker, I might be absolutely wrong, but in the first three clauses it is saying that Government should prescribe a gratuity and then, it is turning around in this section, and saying that even though it is there and it is included, the person does not have to pay it. So what then, is the sense of it all? It goes on again in subsection (5), if anything, to emphasise this point, it says: "Notwithstanding subsection (3) it is not an offence under that subsection for a business to state that a gratuity shown or included in an account rendered on behalf of the business is shown or included at the minimum rates recommended by the Government and that payment of the gratuity is discretionary."

What is the true objective or purpose then of the Bill? You are saying we shall prescribe rates for condominiums, restaurants, hotels and so on - and you shall be in this rate category, you shall be in this rate category - in the same way you are saying, "Well you can put it on your menu, and so on, that it is discretionary, you do not have to pay it"? What is supposed to be achieved by this leaves me somewhat baffled. It would follow, Madam Speaker, that careful records would have to be kept because of the penalties both in terms of imprisonment and in fines and indeed for the enforcers of this Law and this Bill, the Labour Office, it would mean considerable work for them to carry out the various inspections. I do not know how well with the amount of staff that it now has that this could be done. But, surely, it would mean an increase of work on that staff and undoubtedly they would have to go into greater detail with figures, and so on, where this is the case.

I believe, Madam Speaker, that as in section 34(a), it speaks of schemes to distribute gratuities in accordance with a scheme approved or registered with the Director of Labour does nothing to change the situation in effect that already exists where there can be various schemes for the distribution of gratuities which can be registered with the Director of Labour or, failing that, the Governor may prescribe a formula in regulations. If the Governor in Council by regulation is going to prescribe a formula, that formula should be logically applied to every single property in the hospitality industry that deals with the distribution of gratuities.

I believe, Madam Speaker, that the intention to achieve a rectification of what has long been complaints in the hospitality industry is genuine and that this is an attempt to do so. But I fail to see how this is going to correct the situation if there is not going to be prescribed a formula that all such properties are going to follow where gratuities are concerned and I do not believe that it will necessarily help for the Government to prescribe rates of gratuity that can be charged and, at the same time, say that the payment of these gratuities is totally discretionary. It needs to be one way or the other. So, while I say, and will continue to say, that the Government can help (in a way) 100% to assist workers - employees generally - by prescribing minimum wage by category, coming with a Bill like this, with the hope that this will bring about a change and

enhance the salary of employees, it really fails to do so.

So, Madam Speaker, on those grounds I can see no good cause and I cannot believe that this will achieve what it hopes to achieve. Therefore, I could not support this Bill as it presently exists.

THE SPEAKER:

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:33 A.M.

PROCEEDINGS RESUMED AT 11:53 A.M.

THE SPEAKER:

Please be seated. The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. There is no question that the problem with the fair distribution of gratuities has been a bed of controversy, disappointment, and unfairness to the people who work in the hospitality industry at, what I call, the lower but, I hasten to add, no less important end of the industry. Even though I come from a constituency which does not have many people employed in this industry, those few people in my constituency who are employed in the industry have continuously voiced disappointment and concern, as well as unfair treatment, at what they perceive to be the unfair distribution of gratuities.

However, while acknowledging that the intention of the Bill observation that the Bill will fall somewhat short of the ideal remedy. I have always wondered why accusations have been made that there are known managers who withhold, some of them personally, the gratuity. Yet, many of these people have not been brought to court and prosecuted. Therein would lie the most graphic message that the Government could send to these people who insist, for whatever reason, particularly where there is proof that the gratuities have been withheld for reasons of dishonesty. I believe that if some of these culprits had been brought to court and had been made examples of, we would have a much better situation obtaining. I noticed that the Member, in his introduction, said that there were some 18 properties which failed to keep proper records, re: distributions of these gratuities over a period of time.

I believe that we should have more actively sought to make examples of this kind of abnegation. I fear, however, that with a more sophisticated system of awarding gratuities is going to come the move whereby some of these managers and property owners are going to want to tamper with the basic wage rate now being paid to the employee. I say that, because in the absence of a prescribed minimum wage, if the ideal in the gratuity situation is reached whereby these gratuities are distributed fairly and amicably, when some of these managers and property managers see these amounts that the employees are going to be getting, there is going to be the temptation to cut back.

The point was raised that in slow times the employees suffer. I argue that if a prescribed minimum wage was in place, the employee, even in slow times, would not suffer for that person would be getting a fair wage for a fair amount of work completed. So I underscore the ideal situation, as far as I am concerned, is one where there is a prescribed minimum wage in place. I caution too that care must be taken to project the notion that the business of paying the gratuity, as far as the customer, the patron, or the client is concerned, is purely voluntary and discretionary.

From my experience, the bulk of the complaints stem not from employees in the restaurants and the bars, but from those people in the hotels and condos who attend to rooms. The information that I have suggests that the people who wait on tables are usually tipped well. Not only are they tipped well, but care is taken to include in the sharing of those tips the people who work in the kitchen, for the waiters and waitresses full well realise that if the cook does not do well, the waiter and the waitress will have extra work by virtue of the fact that they will have to be relaying back and forth, exchanging, or changing, or what have you, so my information is that, as far as the restaurants go, there is not as many complaints from that sector as there are from the hotels and condos.

That being the case, it is worthwhile to look at a system where we have a fixed rate for cleaning each bedroom and that rate stands whether that room is left in a dilapidated condition or whether, as is sometimes the case, it is left in a state where it hardly seems that it was used. Such a situation would allow for some fairness, and would take some of the pressure off. For, Madam Speaker, I am not sure, given what I have heard, that this situation of prescribed gratuities is going to work if some managers have stated that they have no intention of implementing the system. While I have long held that the people in the industry, for the most part, have voiced legitimate complaints, I would wish to see any situation as being one that they stand to benefit from and not creating a further state of flux and controversy where the employees are going to be held for ransom.

I contend that the ideal situation is not necessarily one where people are prosecuted and taken to court, but one in which the system from the beginning is understood, agreed to and functions smoothly. I say that those managers who have not had a history of complying voluntarily, those managers who have had a history of withholding (for want of a stronger term) from the employees, they should be penalised especially in cases where those managers are not Caymanians. The example should have been set a long time ago.

Given what I have heard from the Mover of this Bill, I am not convinced that what is proposed is going to, in any way, significantly improve the situation for our employees. I caution that the situation may well be worsened by the fact that mischievous managers might try to portray the notion that it is compulsory, that it is a form of tax, and dissuade and bad mouth the authority, and dissuade their clients, customers, or patrons from so paying. I would respectfully request that the ultimate improvement lies in a

prescribed minimum wage and, over and above that, the encouragement of discretionary and voluntary gratuity where applicable.

Thank you, Madam Speaker.

**THE SPEAKER:** If there is no further debate I will call upon the Mover of the Motion, if he would like to exercise his right to reply.

**HON W. McKEEVA BUSH:** Well, Madam Speaker, I would like to thank my colleague from West Bay who has spoken on the Bill and agreed with it, and to thank my other colleagues whom I know support the proposition before the House.

To the other two Members who object to the Bill, I would not say they do not understand, because I know they do, they want to be mischievous, and they want to play their role as Opposition Members. So be it.

After these many years of complaints, and after these many years of resolutions being brought to this House, I would have thought that the two Members, the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town, would have taken up this opportunity to support the Government in its effort to try to dissuade dishonesty in the collection and the distribution of gratuities.

As I have said, over my eight years in this House I have brought several resolutions dealing with this matter of gratuities and in particular in the last four years when both of those Members were colleagues with us on the Backbench, I recall two Motions, one moved by myself, and one moved by my colleague the Third Elected Member for West Bay. Both of those Motions received the support asking for formulas for the collection and distribution of gratuities. Those motions cited the problems within the system and within the industry. Those two Members, themselves, very eloquently supported our position. Today, of course, they jump on another band wagon and do the usual thing - try to find a case where they cannot support the Government.

In one case alone, the Second Elected Member for Cayman Brac and Little Cayman, the Opposition, said that gratuities were "clearly intended to be given to the employees as an added bonus". That is quoting directly from the *Hansard* of 8 November, 1989. There was a Motion as recent as last year when that Member again (I have asked for it, Madam Speaker, I have not yet received a copy of that *Hansard*), supported my position.

I do not understand why now all of a sudden they are hemming and hawing, as the old people say, about it.

This Bill before the House is very clearly addressing the situation and it is setting up what those two Members often asked about. In fact, what they are asking for now is assistance, that is what we do not have and here, while we have a section in the Labour Law dealing with gratuities, the Labour Law has no teeth.

The First Elected Member for Bodden Town, who based his contribution on the aspect of, well, about the same position that his friend the Second Elected Member for Cayman Brac and Little Cayman took, that there should be a minimum wage. How much minimum wage, Madam Speaker? Those two Members like to bring Motions to this House, they are Members of the House, they can place a Motion on the Order Paper stating what minimum wage, if they really believe that a minimum wage can work. Not only that, if there is something wrong with this Bill, why do the two of them not ask for amendments? The House must clearly understand that the two Members are not looking to assist the country but they are looking for a band wagon to jump up on and say that the Government is doing something wrong. They are not looking to assist the people they represent and, certainly, people in Cayman Brac have found themselves in the same situation because the Second Elected Member for Cayman Brac and Little Cayman, more often than once, got up in this House and talked about the Tiara Beach situation.

Certainly, the First Elected Member for Bodden Town has constituents within the Tourism Industry who have well fallen prey to this system over the years, a long time before he entered the House. He certainly knows and was party to the Motion that we put last year concerning gratuities. He certainly has had complaints, and to come up now with some wishy-washy story about management will bad-mouth the authorities - that is a pitiful excuse, as much bad-mouthing that the two of them have done to the Government in the last year. Nobody in the world could say anything worse to try to make the Government be in any worse light than those two Members, so I do not understand why. Now, the First Elected Member for Bodden Town is so put off because management will bad-mouth the authorities when he has tried to get up here and say everything in the world bad about us. I am not scared of that, Madam Speaker. They can say anything they want.

One thing I can assure the First Elected Member for Bodden Town is that management is not going to steal as easily as has been done, and that is what this Bill is taking care of. If they are worth the salt of the "X" that the people put for them, they would support this Bill before the House.

Now, the same Member, the First Elected Member for Bodden Town, complains and says that Government should have made examples of those employees who tampered with the gratuities. But the maximum fine, by law, is \$500. We have taken people to court and one company was imposed a fine of \$300 - hardly a deterrent when you find situations like this interoffice memo that was passed on in the Ramada Hotel where it says: "We should now confirm that there is \$160,000 worth of gratuities outstanding for 1989". Madam Speaker, must we, as a Government, just allow those types of cases to exist?

Those two Members like to talk about their social conscience, and you know they are experts about everything in the world that you bring up in this House. I do not understand how they can agree that we should continue with a \$500 fine when people are stealing \$160,000 that we know

about.

There are too many atrocities that the Labour Department has had to face without having the wherewithal to deal with them effectively. This is what this Bill is doing. It is no good having a protection dog if you pull out all of its teeth.

One hotel paid gratuities to employees of the parent company who worked in the United States. These are facts. It costs more, probably, for Government to take them to court than what they will pay the maximum \$500. They will think long and hard about that \$25,000. I do not need to say to most Members of this House the sort of situation existing in the hotel industry in this regard.

Now, to deal with the Chief Minister from the other side, the Second Elected Member for Cayman Brac and Little Cayman, who, all of a sudden, Madam Speaker, says that the collection of gratuities is not a good thing, today we must prescribe a minimum wage. He earlier stated that, the gist of what he was saying, Madam Speaker, is that perhaps it is not a good thing for the tourist to pay gratuities.

#### POINT OF ORDER

**MR. GILBERT A. McLEAN:**

Madam Speaker, on a Point of Order.

**THE SPEAKER:**

May I hear the Point of Order, Honourable Member?

**MR. GILBERT A. McLEAN:**

Madam Speaker, I would like to draw the Chair's attention to page 381 of *Erskine May*, "The Misrepresentation of the Language of Another and Accusation of Misrepresentation". I made no such statements regarding gratuity in my brief debate, Madam Speaker.

**THE SPEAKER:**

I observe that the Honourable Member for Health and Human Services is quoting from a *Hansard*. I have given instructions ever since I took over this Office that if Members are quoting from any *Hansard*, the Speaker should also be supplied with a copy of the quotation. I will ask the Clerk if she could arrange for me to have a copy so that I can make my decision on the Point of Order.

**HON W. McKEEVA BUSH:**

Madam Speaker, he might say that I am quoting him...

**THE SPEAKER:**

Excuse me, Honourable Member, I am waiting until I am supplied with a copy of what you have been quoting from.

**HON. W. McKEEVA BUSH:**

When I repeated just now, I was not quoting from the *Hansard*, I was talking about the Member's speech, the gist of what he was talking about.

**THE SPEAKER:**

Well, even the gist, I would have to see that. I am not sure whether Members would now like to take the luncheon suspension at this time, because it may take a while for this to be supplied. The House will be suspended until 1:45 P.M., to be exact.

PROCEEDINGS SUSPENDED AT 12:26 P.M.

PROCEEDINGS RESUMED AT 2:40 P.M.

**THE SPEAKER:**

Please be seated.

#### SPEAKER'S RULING ON THE POINT OF ORDER

**THE SPEAKER:**

When proceedings were suspended we were in the midst of a Point of Order raised by the Second Elected Member for Cayman Brac and Little Cayman, on points made by the Honourable Member for Health and Social Services.

The Point of Order was *Erskine May*, the provision for "Misrepresentation of the Language of Another and Accusation of Misrepresentation". The Honourable Member for Health and Human Services indicated that the gist of what the Second Elected Member for Cayman Brac and Little Cayman had said is that, "for the tourist perhaps, it is not a good thing for them to pay gratuities", also that "collection of gratuities is not a good thing", and "the House should be prescribing a minimum wage". The Honourable Member for Cayman Brac did, in fact, say that "what is desirable is the prescription of a minimum wage, by category, for employees; be they housekeeper, cooks, or whoever." He did not speak about it not being a good thing for tourists to pay gratuities. What he did in fact say was, if someone chooses to leave a \$50 tip on the table for a waitress that served them well or \$100 for a cook, that should be their right.

There is a Point of Order in the first comment made by the Member that "gratuities is not a good thing" to a certain extent, and that Government "should be prescribing a minimum wage". There is such a fine line between what has been raised and what was actually said that I think what needs to be done is that the Honourable Member for Health and Human Services should now continue in his winding up of the debate. This is what I would ask him to do now. Thank you.

## CONTINUATION OF DEBATE

HON. W. McKEEVA BUSH:

Thank you, Madam Speaker.

To continue, the Second Elected Member for Cayman Brac and Little Cayman, who today rejects this resolution, said he rejects the Bill because he does not think it is good enough that I should prescribe a minimum wage. The House cannot forget the purpose of the Bill which is to ensure a system and to have penalties severe enough to deter someone from going outside that system.

I would like, since the two opposition Members were not brave enough to really debate the Bill, because what they actually debated was a minimum wage, they were not clear enough, as you said just now, Madam Speaker, it is a fine line, it is not clear enough in their attempt to fool the people who are listening they balance their act. That balancing act cannot fool everybody. They know quite well the same things that the Government knows. This is what the Second Elected Member for Cayman Brac and Little Cayman had to say last year, and I am reading from the *Hansard* of Monday, the 16th of March, 1992:

"Guests, I think, 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 the money from these gratuities. It is my opinion that they do not often receive these monies as they should."

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.

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.

The Government has a duty in this respect to supervise and to regulate and to inspect what is happening and to enforce against these properties which are not doing what they should in this respect."

Madam Speaker, this is what the Bill is doing. How can those two Members, The Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town, not support the Bill when, in fact, just last year in March, I brought a Motion here, and here is what the Member is saying. How in the world, in all honesty and in all good conscience can those two Members come here today and try to throw cold water on this attempt to regulate? It is not that we want to create more red tape, but to do just what he said before - to supervise and to regulate and to inspect. The difference is that today we are putting teeth in the Law. How can they now say otherwise?

He continues to say: "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." That is Mr. Gilbert McLean, the Second Elected Member for Cayman Brac and Little Cayman. Madam Speaker, I continue with this speech, and I will go to his partner, the First Elected Member for Bodden Town. "I long for the time when the Government would make an investigation into these complaints and I hope that the undertaking given by the Member under whose this responsibility falls, that the Government can at last get to the bottom of this matter and our people can get the gratuities that they so well deserve for working so diligently." (*Hansard* 16 March 1992) Yet, I bring a Bill here today and those two Members find a way to say that they cannot support it. They should be run out of this House.

In my opinion, what the Members are attempting to say (and when you read today's *Hansard* it bears this out), is that we should not collect gratuities but that we should institute this minimum wage. This is what the Second Elected Member for Cayman Brac and Little Cayman said, and I read: "Madam Speaker, I have a certain problem with the Government prescribing gratuities. Where the Government is going to undertake to tell a restaurant, you will prescribe 12%; a hotel, for example, they will prescribe 20%; any other properties be it whatever; let us say they shall prescribe 10% gratuity. There is something wrong, in my opinion, with Government in this case attempting to be a percentage prescriber of monies which in truth and effect, are not being worked for. When a customer goes to a restaurant, or they go to a hotel to stay, or whatever, that gratuity is in addition to what is legally and rightfully paid for the goods or service." He further goes on to say, and I quote from the continuance of his speech here today: "Personally, Madam Speaker, I have always viewed gratuity payment as something which is discretionary and voluntary on the part of the person receiving the service. If someone chooses to leave \$50 on the table as a tip for a waiter who served them well, or \$100 for a cook whom they believe has cooked a scrumptious meal, that should be their right. But when people are being put in a position to pay over and above what is the actual charge for the goods or service, that has to be delving into an area where there must be serious queries raised."

If anybody listening to this can say that they are not saying that we should stop gratuities, tell me what they are saying. You know that the First Elected Member for Bodden Town has already said, whatever the Second Elected Member for Cayman Brac and Little Cayman says, he says it too. "That is the way we have lived", to quote him. Madam Speaker, they might think that they can fool the people all the time, but they cannot fool the people all the time. This is not the last Meeting when those two Members got up in this House and threw aspersions on everybody. They will not have the last say this time.

The Second Elected Member for Cayman Brac and Little Cayman asked why Government finds it easy to prescribe a rate of gratuity but cannot prescribe a minimum wage. Well, this Bill does not, and I repeat, nowhere does this Bill prescribe a rate of gratuity. The Member was being very dishonest to say otherwise, because it is not true. The Bill does not say that. The Bill does not do that. Furthermore, gratuities are already being collected, the system is already in place for more than 25 years. A minimum wage, however, is another matter.

This country decided on a course of the free enterprise system, a unique system that has worked well. For me to impose a minimum wage so quickly would throw everything off the rails in this country. Minimum wage is well known in those countries where it does exist to hurt the very people it is designed to help - the little man, the man at the lower end of the salary scale. But if they are so genuine about a minimum wage being prescribed for every class of worker, might I ask the Second Elected Member for Cayman Brac and Little Cayman, how much does he pay his maid?

This country has a certain uniqueness which has worked well, except for certain dishonest persons in the tourism sector, the system of gratuities has worked well for 25 years. Why should I attempt to change it? If I order that a minimum wage for gardeners should be \$7.50 per hour, and he worked an eight hour day, that means that he will collect \$60 per day, or about \$300 for the week. Will this be better for him if we stopped collecting gratuities as it sounds to me like they are purporting? Would it help him when in truth all the gratuities that are collected are paid out to the employees as we are trying to ensure in this Bill, that person would be making anywhere in the region of \$1200 in gratuities? I have known it to happen. I am not just talking off the top of my head. My mother worked in the hotel industry for 30 years and that is another point that this Honourable House has to bear in mind. She is not the only one, I have seen it over and over - they work for 25 and 30 years, and sometimes longer, and when they leave, they leave a sick person with no benefits, there is no pension, nothing. They are old and forgotten about. They did collect the gratuity, that gave them a better income. It helped them to raise their standard of living. Ten years ago, people were collecting \$2,000 from one property, let us say, with 30 rooms/apartments. That same property today has the same amount of apartments, same amount of staff, yet the maids walk home with \$900, \$600, \$500. Why?

The people have a Government that is sensitive to their needs and while we cannot do everything in one year we are trying to accomplish certain things. This is one of them that has been long outstanding. The Bill is before the House now and was before the last House in an attempt to get a system in place before the season comes on and the people lose that much again.

I am not going to allow a reduction in the total income of my people to please the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman. We are looking at the whole matter of a minimum wage, and I am not rushing in just to say I have a minimum wage. That is going to be scrutinised properly, and a lot of time spent on it. I am not promising this House that I will bring any minimum wage into effect in this country.

I want to read, in closing, a letter from two owners of condominiums in this country. It is a three page letter but it is very pertinent to the issue at hand:

"We deeply appreciated the opportunity to meet and share information with you this afternoon. It is only through candid and sincere exchanges between people of good will that real communication can be developed on a permanent basis. Until, and unless, all of us who have an interest and concern in these Islands come together to work for the common good, misunderstandings and differences will be magnified leading to more problems in the future.

We care about what happens here in Cayman. By conscious choice we have made a substantial investment here and, contrary to the attitude of too many other investors in the Cayman Islands, we are sensitive to the need to respect, as well as to better understand, the attitudes and perspectives of our hosts who have made it possible for us to come to Cayman.

To repeat what we stated this afternoon, the unhealthy climate and conditions are clearly" (and here, Madam Speaker, I will leave out the property and the names of the persons) "the responsibility of the proprietors and, more specifically, of the management and oversight of its executive committees. Whether we recognise it or not, we proprietors, individually and collectively, have allowed those conditions to develop and if proprietors are allowed to remain ignorant of this fact, then we see no way for those conditions to change for the better - for us, for our employees, and for relationships between investors and Caymanians throughout this Island nation. This is not to ignore the very real problems from the proprietor's perspective. Serious problems exist. Questionable and unprofessional condominium management practices and poor employee performance must change in order to promote a favourable investment climate for the future.

But, we support you in your efforts to place responsibility at the root of the problem - ignorant and insensitive absentee ownership and incompetent management that cares little for reasonable and proper accountability, and even less for the welfare of its employees, or for professional protection of the assets of investor proprietors for that matter.

Moreover, we believe strongly that differences of opinion should be stated openly and sincerely as a starting point for healthy dialogue. After all, we can agree in good faith and conscience and disagree if we only agree to respect opinions and perspectives of others. For is this not the way we can learn from each other and broaden our own perspectives? But we are certain that you agree with our

contention that better education and technical training programmes for Caymanians could give a terrific boost to the ability of workers to perform more effectively and thereby earn better incomes.

We reiterate our support of direct involvement and input by the tourism industry to ensure that industry workers are fully trained professionally so that they may take pride in their contribution to greater success in attracting visitors to Cayman, with all that implies, in benefitting the Cayman economy as well as holding property values.

One major issue that we had no time to explore, but which we believe you would agree is of major concern, is that whilst the poor uneducated burglar or robber is quickly packed off to Northward, management has been allowed to conduct large scale "white-collar" crime, almost with impunity. Condominium management has been deficient from the very beginning, the large sums of cash coming across the table has been too tempting to too many managers. Thus, we believe the diligence of proprietors must be matched by the concern of Government for ethical practices and strata management and the Tourism industry, as has been the norm in the banking and insurance industries here. Otherwise, there will be even more violent reaction from Caymanian workers and investors ultimately will abandon a poor labour management environment for better opportunities elsewhere. That would be a tragedy of catastrophic proportions for Cayman, but we believe it inevitable unless there is official Governmental support for punishing managerial white-collar wrongdoers.

For that reason, we strongly support your call, both for proper accounting and reporting of gratuities, as well as for severe penalties for strata management who mishandle gratuity monies due employees.

We would urge that you extend that measure to include the managing of all monies including unreasonable, or bloated fees, for services and profit themselves. As well, criminal penalties for strata mismanagement should be seriously considered to provide a major deterrent to those whom we are certain have been quietly skimming off millions of tourist dollars, depriving workers of their fair share of gratuities and preventing investors from earning a reasonable return on their rather significant investments.

We encourage you, as well, to take a strong stand with executives and proprietors of stratas. For, is it not true that by not even being aware of, or evidencing a professional level of concern over their own management quality, proprietors give tacit approval to unethical and illegal behaviour? This is a misleading message at best. One which can only undermine the native honesty and trustworthiness of Caymanians.

For this reason alone, we also believe that investors can make a significant impact upon the quality of life here; negative or positive. If expat proprietors do not exhibit a level of concern, understanding, or commitment to support the standards and the social structure of Caymanians, they are no asset to your nation. Disinterested investors, you do not need - neither do we because we care enough to want to have investor colleagues who do care enough to work in partnership with the people and the Government of the Cayman Islands.

Just, maybe, a serious statement by one of your stature to strata proprietors outlining their responsibility, both toward making themselves knowledgeable and in maintaining oversight of their management, will have a positive effect. Certainly, this seems to be a desirable goal whether it is evident that proprietors have been less than perceptive in recognising management deficiencies and the legitimate concerns of labour, it would be utterly shocked to learn that the conflict here was a major determinant in your decision to seek redress through legislation.

Is it not high time for some so-called sophisticated investors to have their eyes opened to the reality of the situation here?

Although we are not Caymanian, we hope you are fully aware that we recognise this as a unique opportunity to build goodwill and better friendships and, thereby, be beneficial to all concerned, to quote the Rotary Four-Way Test.

The current conditions of unfairness, inequity, lack of truthfulness, [at that property] and elsewhere are not to be encouraged nor even condoned. We look forward to continuing this dialogue with you in the hopes of better understanding and greater equitability for Caymanian employees, strata management, and expatriate investors alike."

This letter was written to me and dated 5th of November, 1993. I did seek the permission to have it read here because I believe it offers good insight and how even the owners of properties see for themselves what is happening. They realise that it is not in every property that dishonesty is going on, but it is going on and we have proof. All we need is the law strong enough to deal with it. This is what this Bill is seeking to do, and I ask Honourable Members to deal...

## POINT OF ORDER

MR. GILBERT A. McLEAN:

Madam Speaker, on a Point of Order.

HON. W. McKEEVA BUSH:  
letter, but the names shall not be...

...with the issue. Madam Speaker, I will give you a copy of this

THE SPEAKER:  
rising on?

Just one moment, please. May I hear the Point of Order you are

MR. GILBERT A. McLEAN:

Madam Speaker, *Erskine May*, page 382, "Citing documents not before the House". I would like to quote, Madam Speaker: "A Minister of the Crown may not read nor quote from a dispatch or other State paper not before the House unless he is prepared to lay it on the Table. Similarly it has been accepted that the document which has been cited by a Minister ought to be laid upon the Table of the House if it can be done without injury to the public interest." The Member has read, at length, from a three page, type-written letter and I am requesting that he lay a copy of it on the Table.

THE SPEAKER:

Honourable Member, I know you did say that you were not naming who had written the letter, but it has been the accepted procedure, and it is laid down in *Erskine May*, which we follow, that whatever document you have read should be laid upon the Table. You may, if you want to keep the names of the persons secret, have the names obliterated. I will allow that. If you do that you must lay the document on the Table.

HON. W. McKEEVA BUSH:  
says:

Madam Speaker, I, too, understand *Erskine May*. On page 382, it

"A Minister of the Crown may not read nor quote from a dispatch or other state paper not before the House unless he is prepared to lay it on the Table. Similarly it has been accepted that the document which has been cited by a Minister ought to be laid upon the Table of the House if it can be done without injury to the public interest."

THE SPEAKER:

Well, if you do what I have asked you to do, that will be possible.

HON. W. McKEEVA BUSH:

Madam Speaker, I said that I would show you the letter, or give you a copy of the letter, I am not prepared to lay it on the Table of the House.

THE SPEAKER:

But I have indicated the way in which it could be laid - you could take the names of the person off and that should be all right. Thank you, very much.

The question before the House is, that a Bill entitled the Labour (Amendment) Bill, 1993, be given a Second Reading. I shall put the question. Those in favour please say Aye... Those against No...The Ayes have it.

MR. GILBERT A. McLEAN:

Madam Speaker, could we have a Division please?

THE SPEAKER:

Certainly. Madam Clerk, please take a Division.

DIVISION NO. 11/93

AYES: 14

NOES: 2

Hon. J. Lemuel Hurlston  
Hon. Michael Marsden  
Hon. George A. McCarthy  
Hon. W. McKeever Bush  
Hon. John B. McLean  
Hon. Truman M. Bodden  
Mr. John D. Jefferson, Jr.  
Mr. D. Dalmain Ebanks  
Dr. Stephenson A. Tomlinson  
Mrs. Berna L. Thompson Murphy  
Mr. D. Kurt Tibbetts  
Capt. Mabry S. Kirkconnell  
Mr. Anthony S. Eden  
Mrs. Edna M. Moyle

Mr. Gilbert A. McLean  
Mr. Roy Bodden

ABSENT: 2  
Hon. Thomas C. Jefferson  
Mr. G. Haig Bodden



**THE SPEAKER:**  
Accordingly been given a Second Reading.

The result of the Division, 14 Ayes, 2 Noes. The Bill has

**AGREED BY MAJORITY.**

**THE LABOUR (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.**

**THE SPEAKER:**

The House will now go into Committee to consider the Bill.

**HOUSE IN COMMITTEE AT 3:15 P.M.**

**COMMITTEE ON BILLS**

**THE LABOUR (AMENDMENT) BILL, 1993**

**THE CHAIRMAN:**

Please be seated.  
The House is in Committee to consider the Labour  
(Amendment) Bill, 1993. The Clerk will read the Clauses of the Bill.

**CLERK:**

Clause 1. Short title.  
Clause 2. Labour Law 1987, amended.

**THE CHAIRMAN:**

The question is that Clauses 1 and 2 do stand part of the Bill.

Members have been circulated with various amendments. We will deal with the first amendment, Notice of Amendment (No. 2), because that is dealing with an amendment to Part 3 of the Bill. This is a small amendment, evidently there was a typographical error where "32" should have been printed instead of "3A".

Does the Honourable Member wish to speak to that?

**HON. W. McKEEVA BUSH:**

No, Madam Chairman. I think it is a typographical error.

**THE CHAIRMAN:**

The second amendment on that paper is to Section 32 which has been correctly noted there, that in Section 32 immediately following the word, "section 34 (1)" on the fourth line of the definition of "service employee" the following words to be added: "and who works in the Cayman Islands". If the amendment is agreed to, this section would consist of "service employee" means an employee of a service employer who is within a class or description of employees prescribed by regulations made for the purpose of section 34 (1) and who works in the Cayman Islands."

**HON. W. McKEEVA BUSH:**

Madam Chairman, this is inserted because we have knowledge that at least one property has been paying gratuities to employees of the parent company who work in the United States.

**THE CHAIRMAN:**

Before proceeding any further, I should really state that under section 32 of the Standing Orders I have waived the Notice of two days which is normally required for amendments to a Bill. We have also received lengthy amendments from the Member, and also one from the Fourth Elected Member for George Town. So these amendments are before the Committee.

I shall put the question that section 32 be amended as has been stated. Are there any questions? Any comments? Those in favour please say Aye....those against no.... The Ayes have it.

**AGREED.**

**SECTION 32, AS AMENDED, PASSED.**

**THE CHAIRMAN:**

I would like to continue with the amendments now. We have one from Mr. Kurt Tibbetts which is on the next section, section 33. This is a proposal that subclause (1) of 33 be deleted, and reworded as follows:

"33(1) The Governor may, by regulations, prescribe the minimum rate of gratuity that is to be shown or included in accounts rendered to any customers of those premises which engage in the collection of gratuities."

Do all Members have copies of this?

**HON. W. McKEEVA BUSH:**

Yes, I think everyone has a copy.

**THE CHAIRMAN:**

If so, then, does any Member wish to speak thereto? Are there any comments on that? Mr. Tibbetts, would you like to speak further to it?

**MR. D. KURT TIBBETTS:**

Thank you, Madam Chairman.  
Madam Chairman, I do not profess to have the greatest

command of the Queen's English, but I would like to explain the purpose of the amendment. I think the way the Bill was proposed, in Section 33 (1), where it says:

"33 (1) The Governor may, by regulations, prescribe the minimum rate of gratuity that is to be shown or included in accounts rendered to customers of hotels, condominiums, restaurants, licensed premises or other places of entertainment."

There are many people in the industry whose premises do not charge gratuity and the way this section is worded there are many of them who are fearful that whenever regulations are put in place that some of those properties who do not now charge a gratuity may have to charge gratuity. I am simply seeking a rewording of that section to allay those fears.

Thank you.

**HON. W. McKEEVA BUSH:**

Madam Chairman, Section 33(1) in the Bill is, I believe, clear enough and I could not accept an amendment to that section.

**THE CHAIRMAN:**

Dr. Tomlinson.

**DR. STEPHENSON A. TOMLINSON:**

Madam Chairperson, the definition of "service employer" is very, very clear and it says: "...where the employer collects or receives gratuities in respect of services provided by the business...". So, if a company or an organisation is in the habit of collecting or receiving gratuities, then it is expected that they will continue the practice. I believe it is very necessary to leave Section 33(1) as it is, just in the event that they decide not to collect gratuities. If it does not suit them, then the Governor may make regulations to make it effective.

**THE CHAIRMAN:**

Mr. Kurt Tibbetts.

**MR. D. KURT TIBBETTS:**

Madam Chairman, I just want to make sure that I understand what is happening here. Are we saying then that the purpose of Section 33(1) is to ensure that Government has the right to tell a premises to charge gratuity?

**THE CHAIRMAN:**

Hon. McKeeva Bush.

**HON. W. McKEEVA BUSH:**

Madam Chairman, what we are saying here is that presently gratuities are collected. For instance, the First Elected Member for Bodden Town gave an example of what he thinks somebody could get up and say, "I am not going to collect gratuities". If he feels that this will be a severe reduction in the salaries or the income of the employees, Government can prescribe a rate of gratuity.

**THE CHAIRMAN:**

Dr. Tomlinson.

**DR. STEPHENSON A. TOMLINSON:**

Madam Chairman, one thing that I would like to point out, having said that, is if you read Section 33 (4) and (5) it does not give the Governor the right to make the gratuity compulsory, and that I needed to get clear myself. The Governor may prescribe a gratuity but he cannot make the gratuity compulsory for the customer and this is what I had to be absolutely clear on myself.

Thank you.

**THE CHAIRMAN:**

Hon. Truman Bodden.

**HON. TRUMAN M. BODDEN:**

Thank you, Madam Chairman, I think what is important in Section 33(1) is that it says: "The Governor may, by regulations", not "must by regulations". What the last Member has pointed out is that the gratuity is not one that the public has to pay. It is not mandatory that the public pay it. So they could put it on a menu, a bill, or whatever, but a person who received the service or the food, or whatever, it is not mandatory that they pay the gratuity.

I think that is a fairly important point.

**THE CHAIRMAN:**

Mr. Kurt Tibbetts.

**MR. D. KURT TIBBETTS:**

Thank you. Again, on Section 33(1), I have heard what everybody said and I believe I understand what everybody has said. But, if it is not such a big deal, how are these people who are not used to having the practices of collecting gratuities within the norm of their establishment, how are they to be satisfied that they will not be told to collect gratuities?

**THE CHAIRMAN:**

Hon. McKeeva Bush.

**HON. W. McKEEVA BUSH:**

Madam Chairman, there are many small restaurants in this country who do not collect gratuities. Government has no intention (and I do not want to get into calling properties by names) of prescribing any rate of gratuity for those small restaurants who have not, over the years, collected gratuities. We are, in fact only dealing here with those places that my debate and other Members' debates centred around today, that is, the Tourism Industry. As I have said, many small restaurants over the years have not

collected gratuities. We have no intention, and as a Government they have to accept our good will.

THE CHAIRMAN:

Dr. Tomlinson.

DR. STEPHENSON A. TOMLINSON:

Madam Chairperson, the definition of "service employer" is clear, as I pointed out, and such an establishment should not fall in that category. If they are not collecting or receiving gratuities now, then they cannot fall in that description as a service employer. So I do not see why they should have to worry if it is not their practice at the moment.

THE CHAIRMAN:

Mr. Kurt Tibbetts.

MR. D. KURT TIBBETTS:

Madam Chairman, I must be dumb. I understand "service employer", but I do not see in Section 33(1) where it reads that Section 33(1) only applies to service employers. As far as I am concerned, Section 33(1) is basically, with all due respect, an independent statement. I understand what the Member has just said. I am simply asking if Government has no intention of doing it, why cannot Government be specific?

THE CHAIRMAN:

Hon McKeeva Bush.

HON. W. McKEEVA BUSH:

What do you want us to be specific on?

MR. D. KURT TIBBETTS:

Well, that is why I asked for the change and the key part of that was those premises which engaged in the collection of gratuities. That was the point I was trying to make all along.

THE CHAIRMAN:

Hon McKeeva Bush.

HON. W. McKEEVA BUSH:

Madam Chairman, I think the clause in itself is very clear what is Government's intentions. We have said that. I am not prepared to go any further.

THE CHAIRMAN:

Mrs. Edna Moyle.

MRS. EDNA M. MOYLE:

I wonder if the Member would consider putting in, "The Governor may, by regulations, prescribe the minimum rate of gratuity that is to be shown or included on accounts rendered to customers by service employers", which would cover those now in the business of collecting gratuities.

HON. W. McKEEVA BUSH:

But would it help what the Fourth Member for George Town wants?

THE CHAIRMAN:

Mrs. Moyle.

MRS. EDNA M. MOYLE:

Madam Chairman, "service employers" tells us that these are the people that are now presently collecting gratuities. There is no mention of service employer in Section 33(1). Maybe the Honourable Second Official Member could make it clear to us if we put in the words, "service employer" that everybody would be happy.

THE CHAIRMAN:

I was just going to ask Mr. Marsden if he would like to make a comment thereon.

THE CHAIRMAN:

Mr. Marsden?

HON. MICHAEL MARSDEN:

Thank you, Madam Chairman. A possible alternative is to qualify Section 33(1) by adding, towards the end of subsection (1) of Section 33, the words, "where the employer collects or receives gratuities in respect of services provided by the business." That then ties the application of section 33(1) with the definition of service employer, which is already in the Law.

THE CHAIRMAN:

There is that possibility that we add at the end of Section 33(1) the words, "where the employer collects or receives gratuities in respect of services provided by the business", which is the repetition of the definition of "service employer".

Hon Truman Bodden.

HON. TRUMAN M. BODDEN:

Madam Chairman, if we look at Section 33(2), if the Fourth Elected Member for George Town is saying that he would like to have certain places that do not collect this, like, I do not know, whatever, it has a different minimum rate of gratuity, may be prescribed for different types of businesses or different activities within a type of business, and this would go somewhere towards covering that aspect.

THE CHAIRMAN:

Mr. Tibbetts.

MR. D. KURT TIBBETTS:

Thank you, Madam Chairman. I understand what the Member has just said, but that only partially satisfies the situation, because I am saying that there are some places that as a

rule do not collect gratuity. Subsection (2) only prescribes different minimum rates, it does not say when one does not collect gratuity at all.

THE CHAIRMAN:

Hon Mr. Bush.

HON. W. McKEEVA BUSH:

Madam Chairman, I wonder if the Member would like to point out any particular business that he is concerned about?

MR. D. KURT TIBBETTS:

Madam Chairman, may I just say that either what the Member for North Side, or the Second Official Member has suggested, either one of them satisfies what I was trying to get at. Either one of those situations.

THE CHAIRMAN:

Hon Mr. Bush.

HON. W. McKEEVA BUSH:

Madam Chairman, can you just give us a minute to find out from the Acting Attorney General? (PAUSE).

THE CHAIRMAN:

Dr. Tomlinson.

DR. STEPHENSON A. TOMLINSON:

Madam Chairperson, I would recommend that Section 33(1) be left as it is. I feel that the powers of the Governor should be discretionary, they should be wide and I would rather see that the Governor in Council has the power to decide who should, in fact, pay gratuity. Also, it would make a lot of sense if it was left very wide.

Thank you.

THE CHAIRMAN:

Mr. Tibbetts.

MR. D. KURT TIBBETTS:

Madam Chairman, for the record I want it to be known that I totally disagree with that position taken by Dr. Tomlinson.

(PAUSE)

THE CHAIRMAN:

Dr. Tomlinson.

DR. STEPHENSON A. TOMLINSON:

Madam Chairperson...

THE CHAIRMAN:

Excuse me, Sir. Would you say 'Chairman'? because I know that I am a female. Chairman does not worry me, but Chairperson makes me think of an inanimate object, which I am not. (Members' laughter)

DR. STEPHENSON A. TOMLINSON:

That is fine, it is done in other places.

THE CHAIRMAN:

That is all right, but that is not the case. Thank you.

DR. STEPHENSON A. TOMLINSON:

I certainly will be happy to call you Chairman, if you please. The point I was going to make to reinforce what I was saying, as "service employer" is defined here that those words, "where the employer collects or receives gratuity in respect of services provided by the business", you could have a situation where another hotel gets started in Cayman, for instance, and they decide not to go into the business of collecting gratuities at all. The question is, will they be termed a service employer? And if they are not a service employer will the Governor then be able to prescribe the minimum rate of gratuity? therefore, if you leave it as it is, it gives the Governor the right to say, "Yes, you do not want to collect gratuity? Well, we think you should."

Having said that I would like to point out, once again, that there is nothing in here that says that the gratuity is compulsory. As far as the customer is concerned he does not have to pay the gratuity if he thinks he has not gotten the service.

THE CHAIRMAN:

Hon Mr. Bush.

HON. W. McKEEVA BUSH:

Madam Chairman, if the Committee wants an addition to this, I am prepared to say that it will make a provision for exemption. However, Madam Chairman, what I propose is that we continue with the other amendments and give the Attorney General time to work out that particular wording.

THE CHAIRMAN:

Under those circumstances we will proceed to the Notice of Amendment, the first one which was given, and the next amendment then would be to Section 34A (2). The amendment then is by deleting the words, "within 3 weeks of its collection or receipt by the employer", and substituting the following words, "within 3 weeks of the end of the calendar month in which they were collected or received".

I think there is a previous amendment to Section 34 (2) the words "Classes of", to be inserted before "employees", and the word "Employees", to commence with a lower case "e". That is clause (2) of Section 34. Do Members have that before them? So that would read: "Classes of

employees may be prescribed for the purpose of subsection (1)\*. Are there any comments? If not, I shall put the question that Section 34(2) be amended as stated. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. SECTION 34(2), AS AMENDED, PASSED.

**THE CHAIRMAN:** The next amendment then is Section 34A (2), by deleting the words "within 3 weeks of its collection or receipt by the employer", and substituting therefor the words, "within 3 weeks of the end of the calendar month in which they were collected or received". Are there any comments on that? If not, I shall put the question. Those in favour please say Aye...those against No. The Ayes have it.

AGREED. SECTION 34A (2), AS AMENDED, PASSED.

**THE CHAIRMAN:** The next amendment is Section 34B (1) (a) by deleting the word "on", as it appears on the second line substituting therefor the word "in"; and by deleting the word "day" substituting therefor the word "month". So (a) in Section 34B (1) would read: "the total amount of gratuities collected or received by him in each month he provides services to customers;" Are there any comments? If not, I shall put the question. Those in favour please say Aye...those against no.... The Ayes have it.

AGREED. SECTION 34B (1)(a), AS AMENDED, PASSED.

**THE CHAIRMAN:** The next amendment is Section 34B (4) by deleting "\$25,000", as it appears in the penalty clause and substituting therefor "\$5,000", and by deleting "one year" and substituting therefor "6 months". So the penalty clause would read: "Fine not exceeding \$5,000 or imprisonment for a term not exceeding 6 months, or both."

If there are no comments, I shall put the question. those in favour please say Aye...those against No.... The Ayes have it.

AGREED. SECTION 34B (4), AS AMENDED, PASSED.

**THE CHAIRMAN:** In section 34B (5)(a) by deleting the word "display", and substituting therefor the words "make available on request"; and by deleting the words "in a place where", and substituting therefor the word "to"; and by deleting the words "may easily read them". Subclause (5) would now read:

"Where a service employer provides details of gratuities to the Director in accordance with subsection (4), the service employer must -

- (a) at the same time make available on request the copy of the details to service employees referred to in the details;
- (b) make these details available for at least two weeks."

The penalty clause is also amended by deleting "\$25,000", and substituting "\$5,000"; and "6 months" for "1 year".  
Hon Mr. Bush.

**HON. W. McKEEVA BUSH:** Madam Chairman, these are amendments that have been taken into consideration, but after discussions with the industry and some Members of the House who thought that we could make things easier, for instance, rather than having to display something on some wall somewhere, we just make it available on request if an employee so desires. therefore, the penalties came down in line with what we were doing with those requests.

**THE CHAIRMAN:** If there are no comments, may I put the question that these amendments in subclause (5) stand part of the Bill? Those in favour please say Aye...those against no....The Ayes have it.

AGREED. SUBCLAUSE (5), AS AMENDED, PASSED.

**THE CHAIRMAN:** In subclause (6), "by deleting "\$25,000", as it appears in the penalty clause and substituting therefor "\$5,000"; and further by substituting "6 months" for "1 year"." If there is no debate, I shall put the question. Those in favour please say Aye...those against no....The Ayes have it.

AGREED. SUBCLAUSE (6), AS AMENDED, PASSED.

**THE CHAIRMAN:** Subclause 34B (7), "by deleting "\$25,000", as it appears in the penalty clause and substituting therefor "\$5,000"; and further by substituting "6 months" for "1 year"." If there is no

debate, I shall put the question. Those in favour please say Aye....those against no....The Ayes have it.

AGREED. SUBCLAUSE (7), AS AMENDED, PASSED.

**THE CHAIRMAN:** There is an amendment proposed by Mr. Kurt Tibbetts to 34B (7). It is proposed that "three years" be deleted as it appears in the last line and substituting therefor "two years". Mr. Tibbetts, would you like to speak to that?

**MR. D. KURT TIBBETTS:** Thank you, Madam Chairman. I have had discussions with several people who are directly involved in the industry and some of them seem to feel that three years is a bit cumbersome to maintain these records as at some of the larger places the records are fairly bulky. So it appears, and I have been told, they seem to be a lot more receptive to having to keep these records for two years.

I do not know if there is any specific reason why three years has been put forward by the Government, and if they can reasonably explain the need for it to be kept for three years, then I do not have a huge problem with it. But, as it stands, I am making representation based on the representation that has been made to me.

**THE CHAIRMAN:** The question, then, that is before the House is the amendment, as proposed, substituting "two years", for "three years". The question is open for debate.  
Hon Mr. Bush.

**HON. W. McKEEVA BUSH:** Madam Chairman, I have had extensive meetings with the industry, the Hotel and Condo Association, and the Restaurant Association. Strangely enough, that is one section that I did not have any complaints on. In fact, they did not seem too concerned about the three years because some of them told me they keep the records for up to five years. I believe the Statute of Limitations provides that records be kept for something like six years, maybe longer, I am not certain.  
I cannot accept that amendment.

**THE CHAIRMAN:** Mr. Tibbetts.

**MR. D. KURT TIBBETTS:** Thank you, Madam Chairman. Inasmuch as the Member may not have had representation, as I have said before, I have had representation. So what I would ask is if the Member could point out why three years has been chosen then, so that I may say there is a better reason to keep them for three years, rather than two.

**THE CHAIRMAN:** Hon Mr. Bush.

**HON. W. McKEEVA BUSH:** Well, Madam Chairman, as I said, after having discussion with them, we felt that if we kept it at three years, as far as accounts are concerned - it has something to do with accounts - they had no problem with the three year period that was suggested. As I said, many of them said to me that they kept their records for up to five years.

**THE CHAIRMAN:** Mr. Tibbetts.

**MR. D. KURT TIBBETTS:** Madam Chairman, maybe the right people saw the Honourable Member, and the wrong people saw me. But, as I said, I am simply making representation on behalf of some of those people who spoke to me about this section of the Bill. While I understand what the Member has said, I still have not heard a reason why it cannot be changed to two years.

**THE CHAIRMAN:** Mr. Truman Bodden.

**HON. TRUMAN M. BODDEN:** Madam Chairman, normally records are kept for six or more years for all business for many reasons, including the fact of the limitation of actions expiring. The reason why, and personally I think this might even be short, is that if somebody was smart enough and they could keep the matter undisclosed for a period of time, destroy the records, there would be no evidence left on which to convict them. Two years is not all that long a time because many frauds are not discovered, if they are well perpetrated frauds, until the person leaves or, in some instances, if they are audited accounts, until auditors get in - which we know is never the same month or two involved. So I would rather err on the longer side than on the shorter side in the interest of justice. These are just my personal views on it.

**MR. D. KURT TIBBETTS:** I take that point, Madam Chairman.

#### WITHDRAWAL OF PROPOSED AMENDMENT

**THE CHAIRMAN:** Mr. Tibbetts, would you then withdraw your amendment?

**MR. D. KURT TIBBETTS:** Yes, I will.

**THE CHAIRMAN:** The amendment proposed is accordingly withdrawn.

The next amendment to be considered is one submitted by Mr. Tibbetts, that new clause 34A (5), to the effect that any convicted employers must also make restitution for any unpaid gratuities. The clause has not been drafted, it is just a proposal for a provision to that effect.

Mr. Tibbetts, would you like to speak to that?

**MR. D. KURT TIBBETTS:**

Yes, Madam Chairman. The purpose of that proposed amendment is simply to put yet more teeth into this law because having read the Bill itself, I do not see where it addresses that if someone is found guilty of holding back gratuities from the employees, it might suit that person to pay a \$5,000 fine, or a \$25,000 fine, if that person has hidden away hundreds of thousands of dollars' worth of gratuities. So, I am saying that while we say there is a penalty, and maybe a time of imprisonment, the person must also be made to make restitution for the money that has been kept back.

**THE CHAIRMAN:**

Hon Mr. Bush.

**HON. W. McKEEVA BUSH:**

Madam Chairman, I have no problem with this amendment. In fact, we were in the position of looking at it because we have been having complaints about businesses who have been taken to court, as I pointed out in my debate, who have not made any restitution. This is a matter that I can accept. Like I said, it is something that we were looking at when I got the amendment from the Member.

**THE CHAIRMAN:**

In that case, there are two amendments that are being prepared.

Hon Truman Bodden.

**HON. TRUMAN M. BODDEN:**

Madam Chairman, what I would suggest is that the amendment read as follows:

"At the end of subsection (1) of section 34A the following words be added:

"And the service employer shall be required to distribute the gratuity, in respect of which he was convicted, amongst his service employees within such period as the court may order."

Could I just mention a couple of things on this because the problem that I, or the Attorney General, or anybody, has in trying to do these things quickly, this is a mandatory distribution - there is no discretion in the court - and that is the way that I understood what the Member is asking. Secondly, it is in relation to the gratuity that the person is convicted of, which may not necessarily be all that, under civil law, they may be entitled to. Do you understand? Do you follow what I mean?

**THE CHAIRMAN:**

The proposed amendment is that at the end of 34A (1) there is a semicolon and the following words: "And the service employer shall be required to distribute the gratuity, in respect of which he was convicted, amongst his service employees within such period as the court may order."

Do the Members understand that? Would you like to have that typed out, or will that be acceptable? Are there any comments on that? In that case, I will put the question that... first of all I think Mr. Tibbetts should delete his proposed amendment that there be a new clause (5).

#### WITHDRAWAL OF PROPOSED AMENDMENT

**MR. D. KURT TIBBETTS:**

As you would guide me, Madam Chairman, I have no problems with what you have said.

**THE CHAIRMAN:**

So you will delete this? You will withdraw this?

**MR. D. KURT TIBBETTS:**

I am making a trade.

**THE CHAIRMAN:**

Aye...those against no...The Ayes have it.

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

**AGREED. PROPOSED AMENDMENT TO 34A (1) PASSED.**

**THE CHAIRMAN:**

Now we come to the amendment for 33 (1).

**DR. STEPHENSON A. TOMLINSON:**

Madam Chairman.

**THE CHAIRMAN:**

Yes, Dr. Tomlinson.

**DR. STEPHENSON A. TOMLINSON:**

A similar problem exists in the Tourism Accommodation Tax. When you look at this Bill, if it goes into Law, there is no provision to enforce all of these things. We still have to go by what the managers of these establishments tell us. This is one thing that I saw from the beginning.

The Bill certainly has my support but we have a Director of Financial Services, for instance, and I am here thinking that, perhaps, the Director of Labour could assume this

responsibility to make sure that the facts and figures that the Government is given are accurate. It is one thing to make this Law, it is another thing to implement and enforce. Often, this is where we fall down.

**THE CHAIRMAN:**

Truman Bodden?

Hon Mr. Bush, would you like to comment on that, or Hon

**HON. TRUMAN M. BODDEN:**

Madam Chairman, I am afraid that the Member and I were trying to assist with the drafting of this further amendment and I really did not hear, I apologise for that.

**THE CHAIRMAN:**

Dr. Tomlinson, would you repeat what you said for them?

**DR. STEPHENSON A. TOMLINSON:**

Yes, my remark was regarding the enforcement of what is in the Bill. One of the things that bothers the Government, I know, even at this moment, is the delinquency in paying the Tourist Accommodation Tax. We know that we more or less have to go by what is declared and it is true that the Government has statistics available to it and sometimes has a good idea whether those figures are right. But there is no one that is actually making sure that what is declared is accurate. While we can pass this into Law, we still will have to go by what managers of the establishments declare.

My suggestion was that the Director of Labour, since he is in a very good position to do it, could be given the responsibility of making sure that the declared amounts are accurate. Otherwise we have no way of knowing.

**THE CHAIRMAN:**

With the exception that in subsection (5), which was amended, the service employer has to make available the details on request and copy the details to his service employees. So if they are not getting the gratuities, it is another sort of check.

**HON. TRUMAN M. BODDEN:**

Madam Chairman.

**THE CHAIRMAN:**

Hon Truman Bodden.

**HON. TRUMAN M. BODDEN:**

Under section 65 it says, "Whether or not a complaint has been filed, the Director shall be charged with securing the proper observance of the provisions of this Law". So, as I see it, he can go and do spot checks as it is done by an auditor of a bank or a company. Whether or not there is a complaint, he can go and have a look to see that the Law is being carried out.

**DR. STEPHENSON A. TOMLINSON:**

Yes, but does that go on in practice?

**HON. TRUMAN M. BODDEN:**

Well, I understand from the Director, Madam Chairman, that it does. To what extent? Maybe the Member may wish to speak to the Director at the end of the Meeting.

**THE CHAIRMAN:**

Has the amendment to section 33(1) then been prepared? Are you ready with that amendment?

Are you ready with that amendment?

**HON. TRUMAN M. BODDEN:**

Madam Chairman, this is somewhat longer. I do not know whether it can be dealt with this way or whether you would wish it to be typed. I could read it and then give you my hand-written copy.

**THE CHAIRMAN:**

It depends how lengthy it is.

**HON. TRUMAN M. BODDEN:**

All right, it would be this, Madam Speaker, and I will just read it fast for you to make a decision.

"By adding at the end of subsection (1) of section 33 the following:

Provided that the Governor may, in writing, and upon application of a specific business exempt any specific business from the regulations made under this section where the employer does not collect or receive gratuities in respect of services provided by a business mentioned in subsection (1) of section 33."

**THE CHAIRMAN:**

Is that acceptable? Did Members hear that, would you like it read again or would you like to have it typed?

Is that acceptable? Did Members hear that, would you like it

**HON. TRUMAN M. BODDEN:**

Honourable Attorney General on both of these.

Madam Speaker, I should mention that I have consulted with the

**DR. STEPHENSON A. TOMLINSON:**

Would the Member read it once again, please?

**THE CHAIRMAN:**

Yes, would you?

**HON. TRUMAN M. BODDEN:**

It would be:

"By adding at the end of subsection (1) of section 33 the following:

Provided that the Governor may, in writing, upon application of a specific business exempt any specific business from the regulations made under this section where the employer does not collect or receive gratuities in respect of services provided by a business mentioned in subsection..."

I am sorry, Madam Chairman, that should say "mentioned in this subsection", instead of saying "subsection (1)". So it would read: "provided by a business mentioned in this subsection". If I may just explain the reason for that. We were thinking of putting this in another subsection there. But I think it is important that the power to exempt is in there, rather than a blanket exemption for anybody who does not charge gratuities because between now and the coming into effect of the law, if everyone stopped charging gratuities, the law would apply to nobody.

**THE CHAIRMAN:**  
thereon?

Members, you have heard the amendment. Is there any debate

If not, I shall put the question that section 33(1) be amended by the addition of the proviso as read out by the Honourable Member. Those in favour please say Aye...Those against No. The Ayes have it.

**AGREED. SECTION 33 (1) AMENDED BY THE ADDITION OF THE PROVISIO AS READ OUT BY THE HONOURABLE MEMBER.**

**THE CHAIRMAN:** The question is that clauses 1 and 2, as amended, do stand part of the Bill. Those in favour please say Aye...those against no...The Ayes have it.

**AGREED. CLAUSE 1 AND CLAUSE 2, AS AMENDED, PASSED.**

**CLERK:** A Bill for a Law to Amend the Labour Law, 1987.

**THE CHAIRMAN:** The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against no...The Ayes have it.

**AGREED. THE TITLE PASSED.**

**THE CHAIRMAN:** That concludes proceedings in Committee on a Bill entitled The Labour (Amendment) Bill, 1993. The question is that the Committee do report to the House. Those in favour please say Aye...those against no...The Ayes have it.

**AGREED. COMMITTEE TO REPORT TO THE HOUSE.**

**THE CHAIRMAN:** The House will now resume.

**HOUSE RESUMED AT 4:09 P.M.**

**THE SPEAKER:** Please be seated. The House has resumed. Report on Bill. The Honourable Member for Health and Human Services.

### **REPORT ON BILL**

#### **THE LABOUR (AMENDMENT) BILL, 1993**

**HON. W. McKEEVA BUSH:** Madam Speaker, I have to report that a Bill for a Law to Amend the Labour Law, was considered by a Committee of the whole House and passed with certain amendments.

**THE CHAIRMAN:** The Bill is accordingly set down for Third Reading. This concludes proceedings on the Order Paper for today. In the absence of the Honourable Member for Tourism, Environment and Planning, I will ask the Honourable Member for Health and Human Services to move the adjournment.

### **ADJOURNMENT**

**HON. W. McKEEVA BUSH:** Madam Speaker, I accordingly move for the adjournment of this Honourable House until Wednesday, at 10:00 A.M. Those in favour please say Aye...those against no...The Ayes have it.

**AT 4:07 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 10TH NOVEMBER, 1993.**

**WEDNESDAY  
10TH NOVEMBER, 1993  
10:04 A.M.**

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

**THE SPEAKER:**

Please be seated.

Proceedings are resumed in the Legislative Assembly. Presentation of Papers and Reports. Amendment to Table 2A and Table 2A(i) of the Draft Estimates. The Honourable Third Official Member.

### **PRESENTATION OF PAPERS AND REPORTS**

#### **AMENDMENTS TO THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31ST DECEMBER, 1993:**

**HON. GEORGE A. McCARTHY:** Madam Speaker, I beg to lay on the Table of this Honourable House, amendments to Table 2A - Summary of the 1993 Revised Revenue and Expenditure. This is to replace the present Table 2A as now appears in the Draft Estimates that was Tabled last Friday, and also to include as a new insert Table 2A(i) which is an expanded Summary of the information set out in Table 2A.

**THE SPEAKER:**

So ordered.

The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** Madam Speaker, as usual, the intense pressure and continuous revision of the 1994 Estimates, in order to complete it on time for presentation to the Legislative Assembly, resulted in a few inaccuracies. At the time of the delivery of the Budget Address and the Tabling of the Estimates last Friday, the Revised Revenue figure given for 1993, under the caption of Revenue appearing on page 14 of the Budget Address, was quoted as \$130.2 million. This should have been read as \$133.8 million.

The amount of \$99.1 million collected from January through September, was expressed as a percentage of 76%. This should have been read as 74%. Total Revenues, including Loan Income, was quoted as an estimated \$148.2 million. This should have been given as \$151.3 million. These differences arose from an oversight, whereby last minute adjustments that were made to these figures in the Estimate document were not correspondingly made in this section of the Budget Address.

Also, the Budgeted Recurrent Expenditure figure stated in Table 2A of the Estimates was incorrect. This should have read \$132,653,409, and not \$137,653,409 as shown. This was a typographical error. A newly revised Table 2A - Summary of the 1993 Revised Estimates of Revenue and Expenditure - has been tabled for circulation to Members, as mentioned earlier. In order to easily reconcile the amended Revised Revenue figures in the Budget Address to those appearing in the Draft Estimates, I have rearranged the information appearing in Table 2A in an expanded summary format referenced as Table 2A(i). This is one of the documents being Tabled for circulation to Members as well.

As I mentioned earlier, this will be included as a new insert in the 1994 Draft Estimates, and should be treated as a replacement to the revised Table 2A forwarded to this Honourable

House and circulated last Monday under separate cover - Memorandum dated the 5th November, 1993, by the Acting Deputy Financial Secretary. Madam Speaker, I should point out that these discrepancies did not add to the overall correctness of the Estimates.

**THE SPEAKER:** Thank you.  
Proceeding with the Orders for today. Questions to Honourable Members. Question No. 180, standing in the name of the First Elected Member for Bodden Town.

### QUESTIONS TO HONOURABLE MEMBERS

#### QUESTION NO. 180

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

**No. 180:** To provide the inspection reports (as per section 11.1 - Construction Specifications for Subdivision Roads, July, 1992, published by the Public Works Department) of the most recent subdivision roads which have received final approval by the Public Works Department.

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Thank you, Madam Speaker. Section 11.1 does not require inspection reports. But it refers to inspections. This section states: "Interim inspections will be done by Public Works Department after clearing and grubbing before each layer of surfacing and after all works are completed."

#### SUPPLEMENTARIES:

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if the Public Works Department keeps records of these inspections and also, if these records are in any way taken into consideration before final approval of the subdivision roads are given?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Madam Speaker, the answer to that supplementary is, yes.

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

**MR. ROY BODDEN:** Can the Honourable Member say how these inspections are done?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** As pointed out in a previous question, Madam Speaker, there are visual inspections.

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

**MR. ROY BODDEN:** If the reports are done visually, and there is absolutely no lab test done, Madam Speaker, I wonder if the Honourable Member could provide the House with some information as to how these reports are compiled and as to the accuracy in ascertaining if the base and sub base is of a standard that will last when no lab reports are done on the materials?

**THE SPEAKER:** I assume the Member means the inspections, not the Report? The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Madam Speaker, subject to your ruling I believe that question will be answered under another substantive question.

**THE SPEAKER:** The next question is No. 181, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 181

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

**No. 181:** To state how the Minimum Design and Construction Specifications for Subdivision Roads issued by the Public Works Department, and dated July 1992, are currently being enforced.

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Thank you, Madam Speaker. The answer is: Subdivision standards are enforced by visual inspection by the Public Works Department. Developers are advised to contact the Roads section of the Department for the inspection at predetermined stages of construction. However, there has never been a rigid material testing programme on materials used by private developers in subdivisions. The material can be tested by the Public Works Department as time and personnel permit.

#### SUPPLEMENTARIES:

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member state why there has never been rigid material testing?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** As pointed out in the answer, there has not been any rigid testing because of the lack of personnel.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. In the absence of any rigid material testing, how then can the Public Works Department ascertain whether the roads are of a sufficient standard that they will last and serve the users as well as the home owners in those subdivisions?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Madam Speaker, if I could add to the answer which I gave a while ago, there is the matter of a person who will do such tests, and there is presently a young Caymanian being trained for this, so we should overcome that problem in the future. With regard to the second question from the Member, where the Public Works Department has a doubt we can require of the developer the necessary testing to prove that it is of good quality. But I would further state that we must also rely on the expertise of the Engineers. It is the same thing, Madam Speaker, with regard to the Planning Department. If somebody is called out to inspect a building, for example, they have to depend on the visual expertise of the individual in charge.

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

**MR. ROY BODDEN:** In those cases where the Public Works Department will have to have material tested, is the onus for testing upon the developer, or does the Public Works Department test the material independently?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Thank you, Madam Speaker. The onus would be on the developer.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member can then say, how can the Public Works Department be ensured that the developer does not rig or skew the test in his/her favour?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:**

Madam Speaker, the Public Works Department would be sure that it is a correct test because they would not go along with anybody and everybody carrying out a test. It would have to be a qualified person or a qualified company carrying out the test.

**THE SPEAKER:**

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. Would the Honourable Member agree that it would be in the Government's best interest, even now, if someone be so employed to do such inspections seeing that in most instances roads in subdivisions are eventually taken over by Government and whatever lack of proper integrity in the roads would fall to the expense of Government?

**THE SPEAKER:**

The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:**

Madam Speaker, the Member's point has been taken, and I will endeavour to do whatever is necessary to improve the quality of such roads. I would point out that in recent times we have been taking a very firm stand with regard to private subdivisions because the fact remains, as he has rightly pointed out, the result is if Government does not ensure that it is done correctly in the beginning, the cost will eventually revert to Government.

**THE SPEAKER:**

Elected Member for Bodden Town.

The next question is No. 182, standing in the name of the First

#### QUESTION NO. 182

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE TEMPORARY SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION**

**No. 182:** To state what the current enrollment is, by programmes, at the Cayman Islands Law School.

**THE SPEAKER:**

The Honourable Temporary Second Official Member.

**HON. MICHAEL MARSDEN:**

The answer, Madam Speaker, is that the current enrollment at the Law School is 48 students, made up as follows: There are four (4) students on the Attorney-at-Law Programme; 27 students taking the Bachelor of Laws Honours Degree and 17 students taking the Diploma in Legal Studies.

**SUPPLEMENTARIES:**

**THE SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Can the Honourable Member say, comparatively speaking, if the current enrollment represents an increase or a decrease in enrollment at the Law School over the past two years?

**THE SPEAKER:**

The Honourable Temporary Second Official Member.

**HON. MICHAEL MARSDEN:**

Madam Speaker, the best way that I could deal with that is to give a breakdown of students over the past three years. In the first year, of this year, there are 14 students; six students are taking the Degree Course, and eight students are taking the Diploma Course. In the second year, there are 15 students; nine students are taking the Degree Course, six students are taking the Diploma Course; and in the third year there are 15 students; 11 students are taking the Degree Course and four students are taking the Diploma Course. In addition to those there are four students taking the Attorney-at-Law course.

**THE SPEAKER:**

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. Could the Honourable Member say if there has been a decline in the number of persons taking the Attorney-at-Law course and, if so, why is that? Is the School deliberately discouraging persons from taking this or what is the circumstances surrounding it?

**THE SPEAKER:**

The Honourable Temporary Second Official Member.

**HON. MICHAEL MARSDEN:**

Madam Speaker, the Attorney-at-Law course is being phased out and is being replaced by the Honours Law Degree course. Over the past three years there has been a slight decrease in the number of applicants on the Degree Course. That is shown by the figures for the third year where there are 11 students taking the course - in the first there were only 6 students. Madam Speaker, I cannot comment on the reasons for that apparent reduction.

**THE SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Attorney-at-Law course to the Honours Degree course mean that the entrance requirements will be more demanding?

**THE SPEAKER:**

The Honourable Temporary Second Official Member.

**HON. MICHAEL MARSDEN:**

Madam Speaker, the answer to that supplementary question is that when the Attorney-at-Law course was originally introduced, it did have rather lower entry requirements than the present Law Degree course. But those entry requirements for the Attorney-at-Law course were themselves raised, subsequently, to a level that is similar to those required for the Bachelor of Laws Degree course. So over the last few years the requirements have been the same.

**THE SPEAKER:**

Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Member saying that the Attorney-at-Law course is being phased out and replaced by an Honours Degree course? Does this Honours Degree course mean that a person will also be trained as an Attorney, or is it purely a degree course?

**THE SPEAKER:**

Administration.

The Honourable Temporary Second Official Member for Legal

**HON. MICHAEL MARSDEN:**

Madam Speaker, the Degree course itself is an academic course leading to the award of an Honours Degree. Once a student has acquired that Honours Degree the expectation would be that he/she would take a further two years in Articles involving practical training, and further practical academic training to qualify as an Attorney-at-Law.

**THE SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Does this change to an Honours Degree significantly affect the student's standing, for example, in terms of referrals or re-sits?

**THE SPEAKER:**

Administration.

The Honourable Temporary Second Official Member for Legal

**HON. MICHAEL MARSDEN:**

Madam Speaker, the requirements are very similar to the old ordinary Bachelor of Law Degree. There is no difference of substance.

**THE SPEAKER:**

The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:**

Thank you, Madam Speaker. I wonder if the Honourable Member could say if this phasing out process is a direct result of the lack of quality of the end product?

**THE SPEAKER:**

The Honourable Temporary Second Official Member.

**HON. MICHAEL MARSDEN:**

Madam Speaker, that is not the reason. The new Honours Degree course is a more versatile course. It is a more widely accepted qualification that would allow the students to pursue other careers apart from Law if they so wished. It has more status as an Honours Degree and has more prestige because of that.

**THE SPEAKER:**

Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Would it be correct then to say that Attorneys-at-Law, as we now know them, the last of that type of student, or a professional person, would be represented in the four that are presently doing that course and that would be the end of the Attorney-at-Law programme - if there are only four such persons who will be doing that course as it was before, anymore?

**THE SPEAKER:**

Administration.

The Honourable Temporary Second Official Member for Legal

**HON. MICHAEL MARSDEN:**

Well, strictly, Madam Speaker, that is right. But the new course leads to the same eventual qualification as Attorney-at-Law in the Cayman Islands, if the further two years of Articles and practical training are taken.

THE SPEAKER:

The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS:

Could the Honourable Member outline to this Honourable House the difference in time with regards to the two programmes - the Honours Degree Programme and the Attorney-at-Law Programme?

THE SPEAKER:

The Honourable Temporary Second Official Member for Legal Administration.

HON. MICHAEL MARSDEN:

Madam Speaker, the time is just the same. A normal course would take five years leading into the eventual professional qualification of Attorney-at-Law. It is exactly the same.

THE SPEAKER:

The Elected Member for North Side.

MRS. EDNA M. MOYLE:

Madam Speaker, I think the Honourable Second Temporary Official Member said that the entrance requirements have been changed. I wonder if he could outline to this Honourable House what are the entrance requirements to the Cayman Islands Law School at this time?

THE SPEAKER:

The Honourable Temporary Second Official Member.

HON. MICHAEL MARSDEN:

Madam Speaker, the entry requirements are those of the University of Liverpool. The general requirement for students under 21 years of age is that they should have at least two GCE Advance Level passes and, in addition, three GCE of secondary education passes. Those passes should be at Grades C or higher and include the English Language and one of Mathematics and Natural Science, Geography or Economics.

THE SPEAKER:

The Elected Member for North Side.

MRS. EDNA M. MOYLE:

Would the Honourable Temporary Second Official Member verify to me that an "A" Level pass in Law is not a requirement for entry to the Cayman Islands Law School?

HON. MICHAEL MARSDEN:

I am sorry, Madam Speaker, I did not catch the end part of the question.

THE SPEAKER:

Would you repeat that question Elected Member for North Side?

MRS. EDNA M. MOYLE:

Could you confirm to me that a pass at "A" Level in Law is not required for entrance into the Cayman Islands Law School?

THE SPEAKER:

The Honourable Temporary Second Official Member.

HON. MICHAEL MARSDEN:

Madam Speaker, I can confirm that. It is not a requirement.

THE SPEAKER:

The Fourth Elected Member for George Town.  
This will be the last supplementary question.

MR. D. KURT TIBBETTS:

Madam Speaker, the Honourable Member, in his last discourse said what the requirements are for students under 21, and he went on to explain. Is that an implication that there may be a different requirements for students over 21 and, if so, could he explain?

THE SPEAKER:

The Honourable Temporary Second Official Member.

HON. MICHAEL MARSDEN:

Madam Speaker, the requirements for those over 21 are more flexible to reflect the fact that they may not have had the same formal education as younger students. The requirements for students over 21 are either that they satisfy the academic requirements for students under 21 or, if they cannot do that, then they must pass a mature student's examination which is set by the University of Liverpool.

THE SPEAKER:

The next question is No. 183, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 183

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE FIRST ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 183: To state what additional work is planned for the sanitary landfill at Little Cayman.

THE SPEAKER:

The Honourable Member responsible for Tourism, Environment

and Planning.

#### SUSPENSION OF STANDING ORDER 23(5) - DEFERMENT OF ANSWER TO QUESTION

HON. THOMAS C. JEFFERSON:

Madam Speaker, I move, under Standing Order 23(5) to have this particular question deferred until tomorrow or a later Sitting. I have an answer that I am unhappy with, and I think the Elected Member himself would be unhappy with it, so I would ask for the deferral of it.

THE SPEAKER:

The question is that question No. 183 be deferred until a following day, or later. I shall put the question. Those in favour please say Aye...those against No... The Ayes have it.

AGREED. QUESTION NO. 183 DEFERRED.

THE SPEAKER:

The next question is No. 184, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 184

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 184: To state whether Government proposes to construct a sanitary landfill on Cayman Brac and, if so, does Government intend to construct an access road to the proposed site in 1994?

THE SPEAKER:

The Honourable Member responsible for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON:

Madam Speaker, the answer to the first part of the question dealing with the sanitary landfill on Cayman Brac is, yes. Budgetary provision has been made to begin construction of a lined sanitary landfill on Cayman Brac in 1994.

The second part to the question which asks, "Does Government intend to construct an access road to the proposed site in 1994", the answer to that is, no. The final site that is selected will not necessitate the construction of an access road. The selected site already has an entrance road. However, the owners of Block 96C, Parcels 45 and 23, have objected to the use of the existing road as an entrance to the proposed landfill site and further discussions need to take place to find a solution.

SUPPLEMENTARIES:

THE SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Would the Honourable Member state if any consideration would be given to rerouting this road, as was proposed to the previous Government?

THE SPEAKER:

The Honourable Elected Member responsible for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON:

We are open, and I think that is the reason why the answer stated that further discussions need to take place in order to find a solution.

THE SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Supplementary. In the event that an alternate site is determined for the road, could money be made available during 1994 for this road?

THE SPEAKER:

The Honourable Elected Member responsible for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON:

I think this is a little bit of a speculation on the part of the First Elected Member for Cayman Brac and Little Cayman. Certainly, if there is the agreement with the people of Cayman Brac and the two Honourable Members for those districts and if Government is going to move ahead with the construction of a sanitary landfill, there needs to be access to it. It seems to me that the two go together. But, as I said earlier, we need to discuss it further in order to reach a solution that is also acceptable to the Government.

THE SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Would the Honourable Member state, in answer to the first part of the question, is there any time-frame as to when work on the Sanitary Landfill will commence?



**THE SPEAKER:**  
Environment and Planning.

**HON. THOMAS C. JEFFERSON:**  
intelligently, as I do not have the schedule for the commencement of constructing this at this time.

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

The Honourable Elected Member responsible for Tourism,

Madam Speaker, I am unable to answer that question

The next question is No. 185, standing in the name of the

#### QUESTION NO. 185

**THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, COMMUNICATIONS AND WORKS**

**No. 185:** To state the gazetted width, and Government's present policy on: (a) the road across the East End; and (b) the road on the North Coast and around West End to the airstrip on the South Coast of Little Cayman.

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** The recently constructed road across the East End from Point-of-Sand to Snipe Point is presently being gazetted and the width is 50 feet. The road on the north coast and around the west end of Little Cayman, from Snipe Point to the east end of the airport, was gazetted in the 1977 Schedule of Public Roads, and the width is 50 feet. The last Government's policy was that these gazetted widths should not be reduced. However, this Government is considering a petition from land owners for all the roads in question to be reduced to 30 feet.

#### SUPPLEMENTARIES:

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

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. Is the Honourable Member aware that the present 50 foot width has caused much of the land on the north coast of Little Cayman to not be buildable, according to the Development and Planning Regulations?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Madam Speaker, I was not aware of what the Member is saying, but I would like to point out that it is my understanding that the reason why the decision was taken to gazette them at 50 feet was to try to not fall into the same category as Grand Cayman with regard to not preserving the 50 foot corridor. Today, as a result, we run into problems with site-at-distance curbs and having proper pedestrian crossings, and not being able to pave the shoulders because we are in somebody's front yard, and many other things were taken into consideration as to why the roads should have remained. I would also point out that in certain areas there were certain scenic areas, as I understand it, that they were hoping this would assist with.

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

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. Would the Honourable Member give an undertaking that he would look into this aspect, as it is causing hardships on owners of property, loss of revenue to Government in stamp duty and also, that for over 13 years much talk has been in this Honourable House on the rerouting of the road on the north coast of Little Cayman for this reason?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Madam Speaker, I give the Member the undertaking that I will look into this. As stated in the answer to his question, it is presently under consideration and as soon as possible, I will resolve the matter.

**THE SPEAKER:** The next question is No. 186, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 186

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

**No. 186:** To state the quality control standards which Government has in place for its own roads and subdivision roads, and whether these standards are enforced.

**THE SPEAKER:**  
Works.

The Honourable Member for Agriculture, Communications and

**HON. JOHN B. McLEAN:**

The quality control standards for roads by the Public Works Department (PWD) are typical of those used in the United States of America, and are modified, as necessary, for local contracts and projects. Subdivision standards are set out in a document called "Minimum design and construction specifications for subdivision roads". These standards include specifications for materials such as stone size, bearing capacity and other characteristics. The standards also include specifications for material placement and processing. Standards are enforced by random testing. In subdivision construction, the developer must provide material testing when requested by the Public Works Department. On Public Works Department's projects, testing is done by private laboratories.

#### SUPPLEMENTARIES:

**THE SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Could the Honourable Member say if these standards are regularly enforced by the Public Works through inspections or otherwise, and, if this is not the case, would the Member give an undertaking that such will be instituted in the very near future?

**THE SPEAKER:**  
Works.

The Honourable Member for Agriculture, Communications and

**HON. JOHN B. McLEAN:**

Madam Speaker, the matter is under review but as far as personnel is possible we are trying our endeavours to enforce it as of now.

**THE SPEAKER:**

The next question is No. 187, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 187

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING**

**No. 187:** To say whether the roads in all subdivisions are required to be constructed four feet above main sea level.

**THE SPEAKER:**  
Planning.

The Honourable Member for Tourism, Environment and

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, the answer is no. Pursuant to regulation 24 of the Development and Planning Regulations, reclaimed land for development must comply with the minimum soil levels and other requirements prescribed from time to time by the Mosquito Research and Control Law. Pursuant to regulation 4 of the Mosquito Research Control Regulations, reclaimed land shall be filled to three feet above the seasonal soil water.

Seasonal soil water is accepted to be one foot above the main sea level (Vital Bench Mark). Therefore, this results in the requirements for reclaimed land to be filled to a minimum of four feet above main sea level.

#### SUPPLEMENTARIES:

**THE SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Could the Honourable Member say if, to his knowledge, it is the case that when roads are being placed in subdivisions that surveyors survey and make levels to four feet above the main sea level and not just in areas of reclaimed land?

**THE SPEAKER:**  
Planning.

The Honourable Member for Tourism, Environment and

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, I am not aware of that fact put forward by the Second Elected Member for Cayman Brac and Little Cayman. Perhaps, if he helps us with specifics we can examine it further.

THE SPEAKER:  
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN: Could the Honourable Member say if in areas where reclaimed land is being developed and there is also, within that parcel of land, land which is very much dry, that the same level of four feet has to obtain and no difference is made for the undulation of the topography of the land?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: If we are talking about reclaimed land, the minimum according to the Law should be four feet. I am not aware of other property being required to be four feet.

THE SPEAKER: The next question is No. 188, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 188

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 188: To say in what circumstances the Central Planning Authority determines that a road should be more than 30 feet wide, and what instances has the Central Planning Authority stipulated that roads should be 100 feet wide?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: The circumstances that the Central Planning Authority (CPA) use to determine if a road should be more than 30 feet wide are based, generally, on three criteria: the type, size and location of the development(s) in Commercial Areas, Industrial Areas, Residential Subdivisions, and in Tourist/Hotel related areas. The actual road size and the road reservation requirement is dependent upon the projected traffic generation, and whether or not there is a requirement/need for road continuation/projection to adjoining lands.

The CPA approved the general use of minimum road standards developed by Public Works in consultation with the Planning Department. The purpose of these minimum specifications is to promote the safety and convenience of the community by ensuring that proper road design and construction occurs. These standards also specify minimum space for power lines, sewage lines, water lines and drain wells. Adequate access for service, fire-fighting and sanitation vehicles, is equally important.

Regulation 20 of the Development and Planning Regulations; 1977, states that road widths shall be a minimum of 30 feet and a maximum of 50 feet, or as laid down by the Roads Law. The Roads Law states that road widths can vary generally from 40 feet to 125 feet.

#### SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say, in the last part of the question, if there has been stipulated by the Planning Authority any instances where 100 feet is a requirement?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: I would like to use the expression, Madam Speaker, that the Planning Department has caused certain property developers to reserve 100 feet, or more, in some cases.

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

MR. GILBERT A. McLEAN: Could the Honourable Member confirm if this has been a requirement attached to the project called Safe Haven, and if so, are there any others?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: The answer to the Member's supplementary is, yes. Safe Haven is one of the five that has been so required.

THE SPEAKER:  
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say whether Government, or the Department of Planning, has given serious thought to the extent of the cost of reserving such widths of roads in an island, this Island, and, indeed, to construct that, what that could do in terms of the development and what effect it would have in hindering the development?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I am certain that the Planning Department and the Central Planning Authority have given serious consideration to the added cost of such requirements. However, they have not asked for the developer to develop the 100 feet that is reserved with hot mix, or any other kind of mix, but, rather, have moved it along in a progressive way to spray and chip to a particular width.

I think the Member mentioned one particular project, that is, Safe Haven. We must all bear in mind that the approval granted to Safe Haven by the Central Planning Authority is not just what we see on the ground today. It also has approval to construct two hotels on that site. I think, historically, we have seen with certain development, not casting any aspiration on Safe Haven, but we have seen development from the 70s coming forward, people come in, do subdivisions, do a minimum standard of a road and leave it for the Government to pick up the cost in the future. I do not believe that that is acceptable to the people of these Islands anymore.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member confirm that there are no specific guidelines or policy directives from Government as such, about the width of roads and it is totally at the discretion of the Planning Authority to decide on these widths? And, if that is the case, would it not mean that another Planning Authority, other than the present one, or the one before, might apply these rules differently?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: I think that in most cases, in any Law, be it the Roads Law which sets down the possible legal width of a road - 40 feet, or as much as 125 feet - somebody in the Government will have to use some amount of discretion. I think, perhaps, adding to what I said earlier about the Safe Haven project, in addition to the two hotels, there is also a further development to the back of Safe Haven which, if you take it as a whole, the number of people who could be in that area, I think the width that is being required is not (for lack of a better word) onerous in the real sense, of asking for a corridor to be of a specific level. I believe the Central Planning Authority has moved to try to minimise the initial cost of moving the road towards this reserved 100 feet.

THE SPEAKER: That concludes Question Time for today.

### ANNOUNCEMENTS BY THE PRESIDING OFFICER

#### APOLOGY

THE SPEAKER: Before we proceed to Government Business, I would like to say that an apology has been received from Dr. Tomlinson, who is in surgery. He hopes he will be present at the afternoon sitting.

The Honourable Member for Health and Human Services.

### GOVERNMENT BUSINESS

#### BILLS

#### THIRD READING

#### THE LABOUR (AMENDMENT) BILL, 1993

HON. W. McKEEVA BUSH: Madam Speaker, I move that a Bill entitled the Labour (Amendment) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that Bill entitled the Labour (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...those

against No... The Ayes have it.

AGREED. THE LABOUR (AMENDMENT) BILL, 1993 PASSED.

## SECOND READING

### THE APPROPRIATION (1994) BILL, 1993

(Debate on the Budget Address)

#### THE SPEAKER:

We continue with the Second Reading of the Appropriation (1994) Bill, 1993. The motion was put on Friday by the Honourable Third Official Member that the Second Reading Debate be deferred until Wednesday morning. Accordingly, the question before the House is the Second Reading of the Appropriation (1994) Bill, 1993. The Bill is open for debate. (PAUSE) If no Honourable Member wishes to debate, I would ask the Honourable Third Official Member if he has any closing remarks?

The Third Elected Member for West Bay.

#### MR. JOHN D. JEFFERSON, JR:

Thank you, Madam Speaker. I could not lose the opportunity of making my comments on the Budget Address by the Honourable Financial Secretary on behalf of the Government for the year 1994, because I believe that this document outlines some very positive achievements as far as this Government is concerned. It is evidence for the people of this country, who elected the Members of the National Team, that their decision was the right one.

Madam Speaker, these significant financial achievements did not just happen but were accomplished through capable leadership and cooperation between the Elected Representatives of Government and the Civil Service. To arrive at an appreciation of this Government's accomplishments in its first year in office, it is necessary to look back at the financial position of Government at the end of 1992, the last year of the previous Government's administration, and compare that with the year 1993, being the first year of our Government's administration.

In the report of the Public Accounts Committee, which was Tabled in this Honourable House in September, the Government's financial position at the end of December 1992, was as follows:

"The Annual deficit before financing increased from \$12.973 million to \$16.877 million.

The accumulated deficit on Recurrent and Capital accounts since 1990, after crediting loan proceeds, exceeded \$30 million.

The surplus in deficit account recorded an accumulated deficit of \$7 million at the end of 1992.

Government's expenditure for the year 1992 continued to increase at a faster rate than local revenue. In 1992, it reflected a trend of 14.5% for expenditure, compared to an increase in the growth of revenue of only 8%."

This trend started in 1990 and continued through 1992. Basically, what it reflects is that for each of those years, the previous Government spent more money than they took in by way of revenue. Common sense tells you, that you can only do that for so long before you create a real financial disaster.

Continuing, Madam Speaker: "At the end of 1992, total public debt, excluding short term overdrafts, increased from \$38,753 million, to \$42,903 million." Basically, what was happening was that Government found itself in a position where it had to continuously go out and borrow money in an attempt to balance the Budget or to finance the short fall in revenue in those Budgets presented. It was a common practice that shortly after the Budget was presented and approved by this Legislative Assembly, the previous Government would come back to this Legislative Assembly, or to Finance Committee, asking for supplementary approval. For the year 1992, Supplementary Appropriation on Recurrent Accounts amounted to \$15,872,947, representing 13.5% of the 1992 Budget. When you have that kind of supplementary expenditure during the year, then your budget does not mean a whole lot. That is exactly the reason why you have a budget, during the year, then you sit down before the end of the year and you say, "All right, here is what we are going to take in by way of where you sit down before the end of the year and you say, "All right, here is what we are going to take in by way of revenue and here is how we are going to spend it". Hopefully, Madam Speaker, and I am not saying that there will not be emergency situations that have to be addressed during the year, but hopefully, once that budget is approved, you stick by that budget and that budget acts as a control, not only for a guide to revenue, but it acts as a control for expenditure.

So the year 1992, the last year of the previous Government's administration, was not a very good one, indeed. When this Government took over in 1992, as a result of the reckless and irresponsible policy of the previous Government of spend, spend, spend, and not worry about tomorrow, this Government was left in a position where it had to get in there, and through efforts and a lot of toil and hard work, they had to clean up the financial mess that was left behind.

For 1993, Revised Recurrent Revenue stood at \$133,775,043. Recurrent Expenditure amounted to \$116,478,817. Statutory Expenditure amounted to \$10,113,064. When you take those expenditures from recurrent revenue, you are left with a current projected surplus at the end of 1993, of

\$7,183,062. That is a significant accomplishment, when you compare the surplus of \$7 million for 1993, as compared to a deficit of an almost equal amount for 1992, which was as a result of the previous Government's administration.

When you take the Capital Expenditure of \$7,686,006 from the surplus, of \$7,183,162, it reflects a very small short fall of \$502,844. Madam Speaker, that is quite an accomplishment, financially, I believe as a result of the measures taken by the present Government, to get a handle on expenditure and to watch the financial position of Government very carefully to correct the situation, once again, the Government of the Cayman Islands has financial credibility. Not only locally, but as far as the international financial markets are concerned.

What was also significant was that the trends between Government's Recurrent Expenditure and Revenue was reversed. Because in 1993, Recurrent Revenue increased (according to my figures) by 7.8%, while expenditure grew by only 5.7%. In other words, we took in more than we spent for the first time in three years. What is significant about this achievement is that it was all achieved without Government resorting to any new revenue measures. So, this Government has accomplished a lot in its first year in office and the situation will only get better because, like I mentioned before, we now have capable leadership in control. I believe that some people thought that we could have gotten in there and performed miracles. This criticism, that is, presently from the general public, is all stirred by the former Government who is now in opposition out there. But, I believe that this Government is on the right track and needs to be applauded for its accomplishments in their first year of office. Let me remind the general public what else this Government has been able to achieve in less than their one year in office.

When this Government took over - and I am going to beg your indulgence, Madam Speaker, as I have a lot of references to different articles and documents and I will be more than happy to make copies of those articles or documents available to this Honourable House for their information as well - but, when this Government took over in November 1992, our national airline, Cayman Airways, was technically insolvent and on the verge of financial collapse. But, through the joint efforts of the new Managing Director, Mr. Ray Wilson; the Board of Directors of Cayman Airways; and the Minister of Aviation, the Honourable Truman Bodden, the financial position of Cayman Airways has been significantly improved and the airline is now in a position where it has a chance to survive financially.

Not too long ago there was a press conference and there was a release on Cayman Airways and its accomplishments. Madam Speaker, with your indulgence, I would like to quote from this article to substantiate the accomplishments of this Government as far as the national airline is concerned. "In December 1992, the Airline was projected to lose" (and did lose) "in the region of \$9.1 million for the year before Government's subsidy. It was projecting a loss for 1993 in the order of \$12.8 million before subsidy." In other words, the financial position of Cayman Airways continued to deteriorate under the past administration. It appeared that they did not have the political will or the financial know-how to correct the situation.

The first thing that the new Managing Director did, along with the Board and with the assistance and support of the Honourable Member, was that they decided to reduce Cayman Airways' fleet. In January 1993, it was decided to return the 737-300, which it had leased, immediately. This resulted in a savings of \$185,000 alone, in annual insurance costs. I recall when Cayman Airways was on its expansion programme - adding aircraft with no thought of how they would pay for them - that they contracted to lease-purchase a 737-400 from International Lease Financing Corporation (ILFC) at enormous monthly lease payments. I believe that that lease term was in the region of 11 or 12 years. They were not only able to re-negotiate with ILFC to take the aircraft back, but, in addition to that, ILFC was prepared to make certain financial concessions. During the last six months of the contract the monthly cost of this aircraft was reduced by \$158,000 per month, for a total savings in the region of \$948,000. In addition to this, ILFC was also persuaded to return \$500,000 of the \$700,000 that Cayman Airways had put up as a security deposit.

This was significant because this reduced Cayman Airways' monthly lease payments by over \$300,000. As a result of them being in a position to negotiate the return of that 737-400, it enabled the airline then to turn around and sell the \$4 million in spare parts that it had in inventory for this aircraft. It further justified the successful efforts to persuade General Electric Company to take back a \$3.5 million engine which was not paid for, and which debt was outstanding since 1989. So, Cayman Airways' management, the Board, and the Honourable Member, were able to get out of that lease agreement, which the airline could not afford, were not making the payments on, and it was always a concern that when the aircraft flew into the United States (one of their destinations), it would be seized by the company - not a very positive position to find themselves in.

In an effort also to further reduce costs, the airline management and Board looked at the routes that Cayman Airways was servicing and it was decided to eliminate the New York/Baltimore route, at a projected annual savings of approximately \$2.5 million. It also eliminated the Turks and Caicos route - which I never did support and did not see the sense in it, because here we are a financial offshore centre and a tourist destination competing with Turks and Caicos (and all the other Caribbean territories) and we are in a position where we are promoting their business by flying our aircraft into that territory, which did not make any sense whatsoever.

Management did not stop there, they then attacked the payroll of the airline, which was enormous, and, as a result, the payroll was reduced by approximately 40 people in North America, resulting in a savings in the region of \$900,000. All contracted pilots who were non-Caymanian were terminated, as well as 11 foreign flight attendants. This was significant also because one of the highest paid groups in Cayman Airways is the pilots - and rightly so. By eliminating the foreign pilots and the foreign flight attendants, Cayman Airways was also able to further reduce its payroll expense.

It also came up with a very creative early retirement plan, which

many senior Caymanians who were with the Airline, took advantage of. Basically, what they were offering was two weeks' pay for every year of service the employee had with Cayman Airways. This programme resulted in payroll savings in the region of \$333,000 annually. As a result of the reduction in staff, the Airline was also able to reduce its rented accommodation which resulted in savings between \$32,000 to \$48,000 per annum. As a result of the down-sizing there is a significant reduction in the Airline's direct aircraft and passenger related costs. Those costs, as a result, will be reduced in 1993 by \$4.9 million.

Indirect costs are expected to come down by \$7.16 million. The most significant of these costs is a reduction of \$4.53 million in aircraft lease expenses, mainly as a result of the return of the 737-400. That represents a reduction of almost 50% in lease cost payments. Overhead, as a result of the measures taken, will decrease by \$2.51 million in 1993. In addition to that, Government then offered to take care of the Airline's legal requirements by offering assistance through its Legal Department. This was also significant because in August and September of 1992, fees paid to the Airline's Washington Lawyers alone was in the region of \$44,000 for the two months.

It was not an easy situation because jobs were lost, families were affected - but mainly foreign members of staff were cut. Very few Caymanians lost their jobs as a result of this down-sizing of the Airline. So, the Opposition fails to recognise the accomplishments of this Government, as far as the Airline is concerned, but the general public can see what has been done. It puts me in a position where I am the very happy, once again, and it eliminates some of the concerns that I personally had with regard to the Airline's survival. But that financial mess would never have occurred if the previous Government had listened to the Backbench of the day. But we were criticised and we were called all sorts of things, including "single entry bookkeepers"; we did not know what we were talking about and the Airline was projected to make in the region of \$2 billion to \$3 billion in revenue as a result of the expansion programme.

Government has also embarked upon a down-sizing as far as the Civil Service is concerned, that is, the size and the cost of the Civil Service. This was a concern that I raised, probably from my first Budget Address debate back in early 1988 (I think), that Government was growing too large and every year the percentage of the Budget that went to pay for Civil Service's salaries and other costs continued to rise. It got to the stage where the offices could not be accommodated in the Government Administration Building and Tower Building, which were both Government owned. We had the Legal Department being housed in the British American Building, the Statistics Office over there on Walkers Road, and we had the majority of Government Departments also housed in the Harbour Centre at a tremendous annual rental cost.

His Excellency the Governor, who is responsible for the Civil Service, with the support of his Cabinet, saw the necessity to down-size the Civil Service and as a result of their efforts, and in answer to a question raised by the Second Elected Member for Cayman Brac and Little Cayman, the following answer was given with respect to the magnitude of this down-sizing.

With your indulgence, Madam Speaker, I would like to read what it says:

"The estimated annual salaries and wages saved, resulting from the down-sizing and amalgamation exercise, is approximately \$2,595,000.

The saving in rental and janitorial costs is \$54,952 per annum from moving the Legal Department to the Tower Building; \$216,640 per annum from moving departments out of the Harbour Centre..." back into the Government Administration Building and the Tower Building. (Hansard 27 September, 1993)

When this exercise is completed, the annual savings from this will be in the region of \$356,640. So, when you add the two together, that exercise resulted in savings to Government in the region of about \$3 million per annum. I am convinced that there is still room for additional trimming, as far as the Civil Service is concerned and I believe that the exercise should continue to streamline Government to produce a Civil Service that is not only small and efficient, but, as a result, Government will then be in a position where they can pay those capable Civil Servants a very good salary.

THE SPEAKER:  
the suspension?

Honourable Member, would this be a convenient time to take

MR. JOHN D. JEFFERSON, JR:

Yes Madam Speaker.

THE SPEAKER:

The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED 11:33 A.M.

PROCEEDINGS RESUMED AT 11:55 A.M.

THE SPEAKER:

Please be seated.  
Continuation of the Debate on the Appropriation (1994) Bill,

1993. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR:

Madam Speaker, in relation to the financial position of Government at the end of 1993, rather than a \$500,000 deficit, or shortfall, if Government did not have to repay the

sum of \$2.5 million for Cayman Airways, then the financial position would have reflected a surplus of \$2 million to \$3 million. Quite an accomplishment, Madam Speaker, like I mentioned before, in a short period of one year.

Continuing with my argument of the evidence of the positive efforts and achievements accomplished by the present Government, another positive decision was the termination of the construction of the new Hospital, and the repeal of the Health Services Authority. Madam Speaker, the only person, I believe, who did not know that that situation was not going to work, was the former Member for Health and Social Services. To give an idea of the cost incurred by the Health Services Authority before the Law was appealed and a decision taken for it to revert back to a Government department, in 1992, the first year of operation of the Health Services Authority, total expenditure amounted to \$14.8 million, and for the period January through August of this year (1993), the Health Services Authority spent another \$10.7 million.

In the Budget for 1994 the projected cost of this service is in the region of \$12.9 million. As high as this is, I believe that the cost of this service would have been much higher, that is, the recurrent cost of the Health Services Authority would have been much higher, probably twice as high, or three times, if Government had proceeded with the plans to construct the new Hospital.

Madam Speaker, the present Member for Health, I feel, has taken some positive steps to eliminate waste and reduce cost in that the decision has been made to reduce the number of persons who are now entitled to free medical. Some time ago, I think it was in the June or the September Sitting, he made available in this House a list of those persons who were entitled to free medical services at the Hospital. A lot of them were very well off, financially. In other words, they were in the position where they could pay for those services.

I believe that the decision to charge those who can pay for the service will further reduce the cost of the service. Also, recently, as a result of the recommendation of the Public Accounts Committee, I understand that a deposit is now required before a patient is allowed to make an appointment to see a doctor, because, Madam Speaker, one of the problems that the Hospital has, and continues to have, is non-payment of fees for services rendered. These are only a few of the many areas where significant improvements have been made by this present Government.

So, I want to say to the people of this country that they can be justly proud of the Government they elected in November 1992. This Team has the know-how, a genuine concern for the welfare of this country, and we will continue to try to provide the quality services that the people of this country demand and deserve. To the Opposition, I would just like to say that you were in control for eight years and your blunders and failures are evident to all who are not too blind to see.

Madam Speaker, tourism air arrivals has shown a significant increase in 1993 compared to 1992. As a matter of fact, the increase to date is in the region of 18% for 1993, compared to 1992 and a modest increase of 5% in tourist air arrivals projected. On the other hand, cruise ship arrivals in 1993 remained relatively in line with the level for 1992.

Madam Speaker, again, this increase in tourist air arrivals just did not happen. It has been accomplished by more aggressive and effective marketing plans or planning by the Department of Tourism and also, to a great extent, the joint effort between Government and the private sector in promoting the Cayman Islands.

To provide an idea of the level of tourism activity at the present time in the Cayman Islands, that is, air arrivals, I was able to obtain the following statistics from three of the major hotels that operate here in the Cayman Islands - namely, Ramada, the Radisson and the Hyatt. Ramada for 1993, their occupancy rate, so far, this year is 75.6%, compared to 58.9% for 1992. The Radisson, for 1993, so far, has experienced a 69% occupancy compared to a 62% rate for 1992. The Hyatt presently averages an occupancy rate of 84.9% for the year 1993, compared to a 76.6% occupancy rate for 1992. Madam Speaker, when you average all those increases, the occupancy rates at these major hotels average in the region of 16.7%. It appears that November is going to be a good month for tourism as all major hotels are basically filled to capacity and all are optimistic about the upcoming tourist season.

Madam Speaker, I also support the policy of the Department of Tourism and Government to attempt to diversify its visitor base by planning an increased marketing activity in other destinations other than the United States and mainly in Europe. So, tourism is off to a very good start for 1993, and I also believe this increase is as a result of renewed confidence in the stability and leadership of Government.

I am aware that there are plans in the works to address the cruise ship business. I believe that it needs to be addressed and it needs to be addressed quickly. To give an idea of what I am talking about, some of the cruise lines and some of the cruise directors, in an attempt to discourage their passengers from using the independent tour operators and small taxis, are circulating misinformation, such as, they better be careful how they take the small taxi operators on tours because there is a good possibility that their vehicle will break down in the middle of the tour. Which is ridiculous, Madam Speaker! If you conducted a survey of the quality of vehicles that are presently being driven by our people who are employed in the Transportation Industry, the quality of those vehicles is very good indeed. But, in addition to that, they also discourage their passengers from shopping with any merchant who is not on their approved list. It is sometimes comical when you see these passengers walking around town with this little map in their hands, walking all over the place in the bushes looking for these isolated stores that can offer them these great bargains.

Madam Speaker, it is nothing more than the cruise ships are not prepared to encourage any business other than that from which they get a kick-back. I hear stories like, some of those merchants in Town, the big ones who are on that approved list, pay something in the region of \$100,000 a year just to be on that list because of the business that the cruise ships are going to be pushing in their direction. This is wrong because the fact is, for example, a tour that is prebooked from the ship probably costs in the region of \$27 to \$30 per passenger, when that same tour is available from the independent taxi operators in this country

for \$10 per person.

Do you believe, Madam Speaker, that the tour operators in this country that they prebook these tours through get a majority of that money? No, they do not. Out of the \$27 or \$30 per passenger, the tour operator probably gets \$6 or \$7, the rest the management of the cruise ship pockets.

Madam Speaker, those merchants that are on that approved list the chances are that the cruise ship passengers are paying a premium for their products, as compared to what those same products, as far as quality and otherwise, could be purchased for at independent merchant's establishments. So it is also giving us a bad name as far as being a very expensive destination.

I heard just yesterday, Madam Speaker, where, during the cruise ship landing one of the cruise directors walked up to an independent taxi operator who was holding a small sign saying, "TOURS" and accosted the person verbally and said, "You are the kind of persons that are taking away our business". You know, Madam Speaker, these are Caymanians, these are honest Caymanians, who are legal, as far as obtaining a taxi licence, they pay vehicle registration fees, like everybody else who is out there trying to make an honest living. I do not approve of this, Madam Speaker, and I know the Member for Tourism is making efforts to talk with the cruise ships to basically tell them what we expect here. But my concern is, if this situation is not addressed immediately, what you are going to have is a blow up of that situation which is going to affect us all and, in the long run, is going to affect tourism in the Cayman Islands.

Madam Speaker, I know what I am talking about, because for something like 18 months I was employed in that business - Tourism Industry - in particular, in transportation. It is a very difficult business. Sometimes, Madam Speaker, after getting up at 5 o'clock in the morning, rushing down to the Port Authority for the draw - because, Madam Speaker, you have a pool of numbers that you put in for to determine where you line up for that day - and if you are not within the top five or six you could sit there until 2 o'clock or 3 o'clock in the afternoon before you move one time for the day. This is not only on tours, but also just the beach where you get \$2 per person.

It is a situation that needs to be addressed, and I am confident that the Member will address this situation and, hopefully, come up with a solution that is acceptable to all.

Madam Speaker, I feel that it is time to let these cruise ships know what we expect of them when they come to the Cayman Islands, and that their business must be shared fairly among merchants and transportation operators in these Islands. To maximise the benefits derived from the cruise ship business, I believe that the situation is not going to improve a great deal until alternate landings or sites are located for cruise ships to come in to. Because, Madam Speaker, when the ships come into Hog Sty Bay, the passengers are right in the middle of town, they cause congestion, they walk up and down the stores and very few, Madam Speaker, because of that situation, take advantage of the fact that there are tours available, or that they can pay \$2 and go to the beach.

I have seen many passengers who were even too cheap to pay the \$2 to take a bus to the beach attempt, and many of them do, to walk to the beach. So you must be in a position where those landings are located outside of town and where, in order to visit town and the beach and all of the other tourist attractions, they need to take a bus or a small cab.

Madam Speaker, I have said it often, and I am aware that there are plans in the works to maybe bring the site under control but my preference in my recommendation would be Spotts first of all, because from that location every cruise passenger who visits the Cayman Islands and comes ashore will have to take some form of transportation, which will benefit all persons who are employed in that industry - the majority of whom are our own Caymanian people.

You see, Madam Speaker, the present situation has also been aggravated by the previous Government who issued taxi licences like they were going out of style. Now you have got, I am not sure how many you have got, about 300 or 350 persons who possess a taxi licence in this country. It does not mean anything. Then, as a result in the increase in number, you have a decrease, probably, in the volume of business which these persons are fighting for, or competing for. It has not lent itself to a very positive situation at all. I have confidence in the Member that he is going to do what is necessary to correct the present situation.

It was also mentioned in the Budget Address by the Honourable Financial Secretary that there has been a slight decrease in unemployment among Caymanians, that is, Madam Speaker, unemployment among Caymanians decreased from 6.9% to 6.2%. A very slight decrease, Madam Speaker. But, I am still not happy with this accomplishment, as I still meet and see many Caymanians who are not working and cannot find a job.

For the last year I have had the opportunity of working, on behalf of the Government, very closely with the Labour Office, and I have made certain observations myself. One of the problems that I see is that many of our Caymanians who are unemployed and who cannot find jobs do not have the skills to go out there to know how to get a job. I have been told by many employers that people show up with curlers in their hair, in a T-Shirt, a pair of sneakers or slippers. We all know how important first impressions are. Regardless of how capable you are, if you do not look good or you do not smell good, the chances are you are not going to get an opportunity to work.

So, I believe that the Labour Department can play a much more important role in this respect in that it would be good to attach some person in the Labour Department that has the skills to sit down with Caymanians who come in and are looking for jobs, to basically teach them techniques on what they should do in order to improve their chances of finding employment like, making sure that when they go for an interview they look good, they smell good, they act good. I heard the other day where there were certain persons who were referred by the Labour Department to this particular establishment - and they were Caymanians - they walked in and they leaned upon the counter and said; "I come from the Labour Department, I understand you got a job."

Madam Speaker, like I said, it might be the most capable person in the world, but our people must be trained in the techniques of how to go about getting a job. The Member for Health, that is, the present Member for Labour, also mentioned some time ago that a large percentage of our unemployed Caymanian people, are those who are unemployable. Many of them have a drug problem, they do not have proper work ethics in that they do not appreciate the fact that if they are employed that they have to show up every day that they are scheduled to work, they have to do what they are told to do, and many of them do not have the basic skills to hold a job.

I believe that it is time for this Government - and we preached this during our campaign far and wide - to get on with establishing a proper Trade School in this country where our people can be taught a trade, that is, those who are not academically capable of working in an office, or even those who are academically capable but do not have any desire to work in an office, to be trained as plumbers, carpenters, masons and electricians.

Madam Speaker, these persons in our society earn a very decent living, indeed. Just yesterday I had the need for a plumber and I called a couple of my friends and said, "I have been waiting on one for a couple of weeks". I called another friend of mine last night and said, "Can you come and do this job for me?" He said, "You know, Mr. John, I would like to, but I am booked up until next week." They are busy, Madam Speaker, and these persons earn a decent living, indeed. So, we must get on with establishing our Trade School where our people can be taught a trade with which they can earn a decent, honest living.

Madam Speaker, it pains my heart to see the extent to which our people are still suffering financially. I meet these people on a daily basis. They have mortgages to pay, they have car loans to pay, they need to cover their light bills, telephone bills, but they seem not to be earning enough money to be able to cover their expenses, or a lot of them cannot find a job with which to support themselves.

I would urge the private sector, as well as Government, to make genuine joint efforts to provide our people who are presently unemployed with jobs. I would also encourage the Immigration Board to retain a tight hand with respect to the granting of work permits to ensure that only genuine needs are entertained. I still believe it is too easy for people who do not have a genuine need for a work permit to obtain one in this country.

We must put our people back to work. This is essential, and it has been the difference between our people and many of the people of the rest of the Caribbean, because Caymanians have always been a very proud, independent, self sufficient people, people who were always in a position to welcome visitors to their shores, and we recognise the value of those visitors to our country. But, Madam Speaker, if you are constantly in a position where you are trying to get a job and there is always somebody else ahead of you - in particular, if there is somebody on a work permit - it does not rest very good with those people. So it is essential that we do everything that we can do in order to find jobs for our people and put them back to work.

I believe that the employment situation will improve in the upcoming year because Planning Department has approved several million dollars worth of projects which will probably come on stream next year and will provide people with jobs, in particular, in the construction industry which is hard hit at the present time.

Madam Speaker, I also believe it is essential for us to have some controls in place as to who can compete in the construction industry. It appears that everybody, and these are not Caymanians, who can find a wheelbarrow and a shovel are out there saying that he is a contractor. A lot of times they are in a position where they have access to foreign labour, which they do not pay work permits for, and they are in a position where they under bid our people to get the jobs that are available. So, we must consider maybe placing a moratorium in this area, as far as issuing Trade and Business Licences for people that go into the construction industry as contractors, especially foreign nationals.

In an effort to help finance the 1994 Budget, Government is proposing certain new Revenue measures. For example, they are proposing an increase in work permit fees for professional and managerial staff, in addition to Executive Secretaries, and I support that, Madam Speaker.

I believe that if these companies are in a position where they must bring people from the outside that they must be prepared to pay for those work permits. I also believe that if these fees are high that it will encourage a lot of the establishments here to make a genuine effort to identify and train Caymanians to eventually fill some of these positions which now have to be filled by somebody on a work permit.

It is also proposed that there be an increase in Departure Tax. I think it will bring it in line with the tax which is available in the other destinations - something in the region of about US\$10 per person. This is reasonable, Madam Speaker, in that if you do not travel you are not affected by the tax. But I am on the Civil Aviation Authority Board and there are calls for expansion and improvement in facilities. But you can only offer those things if you have money to pay for it. So I think that this is reasonable.

There is also a proposed increase in the cruise ship passenger tax, that is, the fees that the cruise ships charge per passenger. This is reasonable and I also recognise that this is a significant source of revenue to Government at the present time. From these new measures Government hopes to raise in the region of about \$5 million to help finance the 1994 Budget.

What is amazing, Madam Speaker, is that in the 1994 Budget there is about \$20 million for Capital Projects, or Capital Works, and the total Budget is in a region of \$157 million to \$158 million, and Government only finds itself in need to borrow in the region of about \$6 million to cover the short fall in revenue.

Madam Speaker, the \$20 million in Capital will go far in providing a stimulus to the economy in that projects will be started where Caymanians who are unemployed,

especially in the construction industry, will probably get an opportunity to find a job. Hopefully, by Government taking the initiative in its attempt to stimulate the economy through an injection of capital, that the private sector will follow suit and also be in a position where they will start certain activities, as far as the construction industry is concerned, which will also provide additional jobs.

But, I believe that it is essential for Government to continue to keep tight reins on Government's Recurrent Expenditure, provide the facilities and the services that our people need, but do not do it at the expense and at the risk of, once again, putting Government in a position where its Expenditure, as a trend, exceeds that of Revenue.

I have always preached a policy of a balanced Budget, and by that I mean what projects and services cannot be funded by Revenue this year, are deferred and an attempt is made to do them next year, or over a period of time, rather than attempting to do all things at once, resulting in huge deficits which only leads to serious financial problems.

I believe that once Government takes steps to improve its revenue collection process that this will also significantly affect its Revenue because I recall that as a result of the Public Accounts Committee's Report it was identified that Government has outstanding, just in Tourist Accommodation Tax alone, in excess of \$1 million. Madam Speaker, you know what we could do with a million dollars today, as far as district works are concerned? I could probably pave every road in West Bay and still have a little to give the Honourable Truman Bodden in George Town to take care of some of the pot holes and, maybe, a little for Bodden Town, East End and North Side as well.

Madam Speaker, we have to also, I feel, look at new sources of revenue. What we do every year is whenever we need a little additional revenue, we go back to the same old sources and we increase them. I believe that it is time for us to put together a committee with specific terms of reference and, basically, the objective of that committee would be to explore new possible sources of revenue and come up with certain recommendations to Government. We do have limited resources. There is a continuing need and demand for additional services and, if we are not careful, fairly soon we will be in a position where we cannot offer a lot of those services because we do not have the revenue base from which to finance or pay for them.

I believe, Madam Speaker, that the economic forecast for 1994 is very positive and very upbeat, because I believe that the upward trend in tourism will continue especially in the area of air arrivals. We all recognise the value of our tourists to this country in that there are so many different industries and areas that they affect - the restaurants, the hotels, the transportation people, etcetera, etcetera.

I must also congratulate the Government for taking steps to establish certain social programmes. For example, for years we have called for the establishment of a local Rehabilitation Centre where we can treat our people who have a problem with drug abuse. The former Member for Health would not listen to it, would not entertain the thought, and his attitude was "send them overseas". But because of the cost involved in sending one person overseas, what happened as a result? Very few people who had a genuine need for those services had the opportunity to go overseas for treatment. If you have a local facility, like Government is taking steps now to provide, everyone who has a problem with drug abuse will have access to treatment locally.

There is a hue and cry at the present time, concerning crime in this country, Madam Speaker, and, genuinely so. This Government is taking steps to tighten the Laws and increase the penalties in an attempt to fight crime. We are also taking steps to provide a proper coastal patrol where we can intercept illegal drugs and firearms coming into this country. It is a very controversial thing, it is not a very popular situation, but in this Sitting a Motion will be introduced calling for the reestablishment of capital punishment in the Cayman Islands.

Madam Speaker, the future for Cayman Airways is very good. It is now lean and mean and streamlined. I believe that it is now in a position where it can compete favourably with the other airlines because it will be in a position where it can carve its own little niche.

You know, Madam Speaker, Caymanians are a very patriotic people. Most Caymanians do support Cayman Airways and as a preference we will fly Cayman Airways. So, regardless of United Airline coming in, US Air, and all the other United States' airlines, I believe that Cayman Airways can survive with the right management, the right leadership in place, and with the measures which have been taken to streamline the Airline.

The Honourable Member for Tourism, who is also responsible for Planning, has also introduced certain policies to speed up the planning approval process. I was just talking to the Chairman of the Central Planning Board yesterday, and, according to him, the plan is working. The holdup, according to him, is not in the Planning Department, it is with regard to getting approvals from the other respective departments (which have been identified), and steps will be taken also to see to it that these other departments, which are in the position where they affect the planning process, are also made much more efficient and conscious of the fact that applications must be dealt with in a very professional and expeditious manner.

Madam Speaker, I also believe that the move by Government in its Budget to reduce the Stamp Duty on land transfers, on amounts in excess of \$250,000, from 10% to 7.5% will have a very positive effect on the real estate activity in this country. I believe as a result, you will find more persons, foreign investors in particular, taking advantage of purchasing real estate, and this country moving ahead with establishing certain development from which we all can benefit.

Madam Speaker, I also believe that Government should now look carefully and closely at the level of company fees that are presently being charged in this country. You know it is always dangerous to sit on one's laurels and say, "We have arrived and we are in an enviable position." But while we sit there and laud our accomplishments, there are other destinations that are duplicating our efforts - and improving on them and, as a result, are taking a lot of the business that we should be having here somewhere else.

I was discussing the Idea with somebody and they said, "You know, John, anybody who cannot afford to pay \$1,000, \$2,000 for a company fee, in other words, does not deserve to be in business". Madam Speaker, that is totally the wrong attitude. Why should I pay \$1,000 for a service that is also available to me for \$200 or \$300? It does not make economic sense. That is why a lot, not a lot, but, in particular, the British Virgin Islands have been so successful in the area of company registrations where, I understand, they run a 24 hour registration service just in an attempt to keep up with the volume of the demand for this service. I think this past year our company fees have increased by \$4,000 or something in that region. There is a lot of opportunity in that area, Madam Speaker, and I believe it is also a good source of additional revenue for this Government.

As far as district works are concerned, in this Budget there are provisions for additional road work for the district of West Bay. There are also funds to establish additional class rooms for the John A. Cumber Primary School to keep up with the demand for new students. Also, there is a provision for a new district clinic for the district of West Bay, along with other services that the district needs. As representatives, that is, the four Members for West Bay, we mean to see to it that over this four years our district gets its fair share of services and facilities, and a fair percentage of Government's expenditure because, Madam Speaker, as a district we have been seriously deprived in the past by other representatives, in particular, representatives from the opposition party.

people.

**THE SPEAKER:**

Honourable Member, in any debate in the House the Chair is addressed and not members of the general public. If you have any comments for members of the general public this would be presented when you have your private meetings (Standing Orders 32(1)), please.

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker for that reminder. Well let me address my comments to this Chair then, Madam Speaker, or through the Chair. I am encouraging our people to be patient, continue to give us your support and by working together I feel that we will rebuild this country and, once again, be a country that we can all be justly proud of.

Thank you, Madam Speaker.

**THE SPEAKER:**

The House will be suspended until 2:15 P.M.

**PROCEEDINGS SUSPENDED AT 12:51 P.M.**

**PROCEEDINGS RESUMED AT 2:12 P.M.**

**THE SPEAKER:**

Please be seated.  
Debate continues on the Appropriation Bill, 1993.  
The Second Elected Member for Cayman Brac and Little

Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, I rise to speak on the Budget Address of the Honourable Financial Secretary and, in so doing, refer to the Estimates of Revenue and Expenditure for the year ending December 31, 1994. I am inclined to think of one of the Aesop Fables which says, "The Mountain was in labour, and the whole world stood aghast, at last it brought forth a mouse." For all that has been said, and all the promises made by the Government of the day as to what they would do, and could do, and their superior financial management of a country, there has really been no concrete evidence of such a situation.

We all know that the global economy has been in a recession for a long time and, indeed, the Financial Secretary has noted this in his Budget Address. He has said that the Global Economy growth expected overall in this year (1993) would only be 2.2%, and it is projected, at best, that next year it would be 2.4% to 3.5%. One would say, in a more dismal thought, the European Commission has calculated or projected that real recovery will not be seen until we are in 1995.

There is apparently some hope in the industrialised countries that there may be some stimulation in the growth of the economy which would, particularly in the case of the United States, spin off in these Islands. But the Financial Secretary notes that in the United States, in particular, there is a decline in consumer confidence. That decline in consumer confidence is very much in play here in the Cayman Islands. I believe that in the Cayman Islands a project of \$2 million can have an overall effect of stimulating this economy, similar to how a \$10 million or a \$15 million project would in a larger territory.

But investments during the course of this year have definitely not been of the size or the nature that one could truly say that there is confidence in these Islands now during this present Government's administration. If there have been some developments, they have been few and far between. I certainly believe that there is a lack of confidence because of the attitude of the Government to stop everything and now, apparently, for next year they are going to try to begin some of the things that were ongoing which were stopped.

The Financial Secretary said that the financial sector showed some semblance of staying performance. I am glad to know that this is the case. Some of the businesses have continued on in normal fashion, this has been the mainstay of the Islands so far.

Certainly, this year has not brought forth all of the promises that were made during the last election during which the people of this country were persuaded to elect in the majority the present Government. We are also fortunate that according to the figures given in the Budget Address that

inflation, up to the third quarter of this year, has held at 2.2%. That is fortunate for the people of this country and for businesses as well. I daresay, that is significant and it helps.

I would like to speak on the Budget Address by looking at it in the various sections as it was presented. One heartening thing about this year has been that there has been an increase in air arrivals in the tourism sector. But this has also been the case in the Caribbean generally. I am particularly glad that the Cayman Islands has had its share in this particular area. I think, and I know, that the results this year has to be because of the ongoing efforts made prior to 1993, for anyone who knows anything about the advertising process knows that you advertise in advance, a year ahead, with the expectation and the hope that you will get results in the months and the year following.

The Cayman Islands is, indeed, one of the upscale destinations, though not in terms of offering many diverse activities to visitors here, but there are other things that place the Island in that position. Certainly prices are in the upscale and it is my belief that, because of our prices being what they are, every effort needs to be made to offer proper and comparable services. These services, I think, need to be in all areas, including at our ports of entry - the Immigration, Customs, ground transportation, hotels, restaurants - there needs to be a concerted and collected effort if we are to continue to do well in these Islands.

In achieving this, there has to be more than lip service paid to it. There has to be efforts made to see to it that while our Immigration and Customs Departments are doing their job, they are also trained to be hospitable to people and to certainly welcome those who come to our shores. There needs to be training for taxi operators, whether they are driving big buses or ordinary-sized cars, in being helpful to the visitors, both in information and in driving them safely to their destinations. While a visitor is paying a very high price in a hotel, the service that is given to that visitor in the hotel can be such that, even though prices might be on the high scale, it is not a deterrent for those people selling the Islands when they go back to where they come from and, indeed, returning as a visitor to these shores.

The United States continues to be the largest supplier of tourist arrivals to the Cayman Islands, as has been noted by the Financial Secretary. That is quite natural because of our location to the United States and because we have an excellent air service between the United States and the Cayman Islands by international air carriers, including our own Cayman Airways.

I would hope that while there are those who advocate getting tourists from Europe, Japan, and other countries, we will not lose sight of the fact that we need to be as accommodating as we possibly can to the source that has always supplied these Islands.

Indeed, when money is being spent in other destinations, I would certainly hope that the Government would see to it that they do proper studies, proper projections, and that they simply do not, off-the-cuff, spend monies in countries elsewhere, where the results are so small that they could never compare to the money which is spent.

The fact that we have had success to the extent that we have had this year in the Cayman Islands, points to good ground work prior to this year, as I have said. Certainly that did not come about without proper direction or planning. One of the things that gives me considerable concern is the fact that we have a plan in this country, paid for at a very high cost, from last year, and it is still not being implemented. We hear the story about it being studied and reviewed. Well, Members of the Government of the day are great students and reviewers. I hope that at some point, real soon, they are going to come to a conclusion and have that plan implemented. I have no doubt, personally, that if that plan was accepted in its entirety it could do no harm to these Islands.

I am inclined to believe that that plan is not being studied, as is being said, and that there are certain personal reasons why it is not being implemented, and in the meantime we are traveling along without a planned course of action. No matter how good the sales forces are in North America, or elsewhere, or the suggestions they come up with at the quarterly meetings, one needs to have a plan to follow where there is clear policy direction and everyone is working to a particular goal. Not necessarily that there may be dozens of suggestions coming up at a marketing meetings every quarter, there has to be prescribed goals and objectives.

I say we need a plan, and we need that plan which the Government paid for last year, which is a good plan, a comprehensive plan, and a very factual and truthful plan. Perhaps the latter two elements that I have cited do not find compatibility in the general designs of the Government.

An area noted by the Financial Secretary, and one of the measuring means to tell how an economy is moving, is the construction industry. We see in this area, according to the figures presented in the Budget Address, that \$55 million worth of new construction was approved in 1993, as compared to \$87.2 million in 1992. That is a significant drop and it bears out what I said earlier, that the economy of this country has not moved as it could, as it should, and as it was supposedly going to.

There is one thing too that I believe we should pay careful attention to and that is the fact that a project, or construction, or plans, or whatever might be approved, if they do not actually occur - going around and saying that there has been approval for whatever amount is hardly of any use or significance to offering employment in the country. I have certainly heard of instances where some projects which were to go on, have not done so, simply because the people who wanted to do them no longer felt confident about doing them. The fact that most of the developments, or the approvals, or the construction that has been about going on in the country, has been in the area of apartments and condos, for one's citizens has a direct bearing on the in many societies, many countries, having sufficient accommodation for one's citizens has a direct bearing on the stability of the country. Certainly, here in the Cayman Islands, where there are apartments and condominiums, there is the opportunity for sale of these, and that, in turn, means hard currency coming into the country.

Now, more than before, there are also our own people who are purchasing condominiums and apartments, moving away from owning the individual dwelling house into which

they have to spend more time and maintenance, and so on, when there is such pressure on time, as far as employment goes, and demands on most of us in our daily lives and in the work place.

Significant, too, is the fact that the labour market has, according to the figures presented, shown a decline in the level of unemployment of 5.5% this year as compared to 6.3% last year. So, to the degree that there has been some activity it has helped the unemployment situation.

One thing that never seems to cease emerging from it all is the fact that the beneficiaries of employment in these Islands grows more and more in the direction of non-Caymanians. That explains why there is a continuing concern/complaint, by our own people that they are being overwhelmed in the workplace. From the figures given here by the Honourable Financial Secretary in his Address, it shows the percentage of Caymanians in the work force fell from 61.8% to 57.8% in March of this year.

This relates back to the Immigration condition in this country. It relates back to the question, as has been argued, for example, by the speaker previous to myself, that there are jobs available for Caymanians which they are not getting. It also relates to the fact that jobs are being created to the level that Caymanians are not being able to fill them. This, in turn, relates to a profound statement made in the Ten-year Tourism Plan that this is the case and that same plan recommends that the Government use the situation as a plus and not treat it as a negative. That takes some attention to do that for, first of all, our people have to be convinced that it is not a threat to their livelihood. The Government needs to ensure, as far as is reasonably possible, that wherever a job is available and it can be filled locally, that it is done. There needs to be in place training in the workplace for those of our own people to take over jobs in which they now find themselves as subordinates. Such is not being done, in my opinion, in this country, under the present Government, which is acting without a plan. So the results that we should achieve, and the results that we would hope for and expect, are not being achieved.

One thing that the Government of the day needs to understand, is that there are times when Government has to take the lead in priming the pump, or putting money into the economy, creating economic activity. The prior Government did this to quite an extent for which they were severely criticised. However, it meant jobs were being created and it staved off the stronger recessionary conditions. So it would be rash, in my opinion, for the Government to simply hold back from playing an active role in these times, particularly when there is reluctance in the private sector to do investment and development because of uncertainty as to the direction of the present Government's policies - or lack thereof.

Madam Speaker, for the Government to achieve that which is desirable and positive, it has to be more than talk. The Financial Secretary has noted, or stated, in his Address, that one of the things done by the Government to reduce its role, or its expenditure, was in staff streamlining. We know that this refers to the 7.5% cut in the Civil Service that the Government jumped off and said it would do in the first meeting of this Legislature, in the term of the new Government. Without any study, without any facts, it fell on its face because such was not possible without seriously affecting the delivery of public service in the Civil Service. What it did was traumatise the Civil Service. So, it has affected Government in delivering service to the country. The savings were extremely small. This year they could hardly claim that the last Government left it for them. The Civil Service was traumatised, Civil Servants lost their jobs, terminated, retired, all of those things. If we looked at the estimates that they had provided themselves, it shows that for this year there is the figure of \$43,677,004. For the coming year the cost is estimated at \$52,357,951, which is an increase of \$7,630,503. Madam Speaker, I ask the question, where are the savings?

In 1992, the percentage of Civil Servants' salaries amounted to 47.34%. In the revised estimates for this year it is 42.11%, and what is estimated for it to cost is 54.83%. Madam Speaker, where are the savings? We could also ask, where is the Civil Service? Highly troubled, uncertain and confused as to what they should be doing to meet the desires of the Government of the day, since they lack specific policies.

The Honourable Financial Secretary, in his Address, spoke of Government reducing its role in the economy. I would caution that Government should take its time in reducing its role at this time, or until such time as it is clear that the economy of this country is recovering, or has recovered. I am sure that many would agree, that will only be in 1996.

I would like to refer briefly to the revenue of the country at this time. It has been noted that the revenue is up for this year, 1993. That is understandable because the country is just now having and the revenue of Government is just now realising the returns from the tax measures that were put in place in 1992. So, it is very understandable as to what has caused that particular condition to be. What I would wonder about, however, is where are the promises of the Government of the day in reducing the taxes, which they said they do not want, and that they would not be any a part of, such as the reduction on diesel, and on other food stuffs and, of course, on that sinful substance - alcohol? I do not know if there will be an addendum to this Budget, but I would certainly look forward to seeing what is done in the Government's carrying out of its campaign promises in that regard. For, if one looks at the analysis of the revenue, we will see very hefty amounts coming in from these areas that they said they would reduce and the people believed it.

It is noted here that the Auditor General has been scrutinising certain areas of revenue collection and, no doubt, making certain recommendations - which, I think, is a good thing and is part of the role which the Auditor General's office is supposed to play. Even though some Members now of the Government were highly critical of him assuming that post, I think he has been most outstanding and certainly his comments and findings I have found to be very straight forward, and I commend him for taking that attitude. I could only but hope that the Government might be persuaded to trust or to follow some of his recommendations.

The area of revenue is one that is vital to Government. Perhaps this Government is now understanding that the only way Government gets revenue is through taxes. Perhaps they did understand that, and that is why they are raising taxes this year. The area that I have some serious concerns

about, where I believe much more revenue could be realised from, is in the area of Customs duty. I have heard of different situations where, if I am to believe what I have heard, there are some extremely large amounts of money that have not been collected because persons or entities have undervalued goods or, in one way or another, that have not been collected because persons or entities have about our big movers and shakers locally and underpaid their Customs duty. Some of these entities that I hear about are our own, but the point that I am some of our own businessmen. I have heard of a few instances of persons not of our own, but the point that I am making is that no one should be excluded from paying what they should pay. There should be no situation where the little man is forced to pay to the letter what he is due, and the big business people, or businesses, are excluded for whatever reasons whatsoever. It is not good enough, where there is a particular query that entities and big business may be at fault, or may not have paid money to Customs, to say that it is being investigated or looked at and it dies that way - nothing is being said or done about it.

I have also heard that a bill has been sent for a large amount to another business for monies to be collected. If that is so, I hope that it is collected for I know a number of instances where persons have been made prohibited immigrants for relatively small amounts they have defrauded, or not paid to Customs. I say that we cannot make it right for our own people who would try to defraud the Government in paying Customs duties. I am happy to hear any time that something is being done where the situation will bring about improved Government efficiency, both in taking in revenue and in controlling and managing expenditure.

In the matter of revenue enhancement measures, or taxes, we know that the National Team said that there would be no taxes - they were going to reduce taxes and all the rest of it. Now, today, there are taxes. There is going to be increases in the departure tax, in arrival tax, and in work permit fees. As I said earlier, perhaps the Government has come to the realisation that to have the revenue to do what they wish to do, it is sometimes necessary to increase taxes.

In the Budget that the Government has put forward, the Government had to take a loan to finance this Budget. The non-recurrent revenue before loan financing is \$14.9 million, less the revenue it expects to get of \$5.8 million, which leaves a balance deficit required of \$9.1 million. The previous Government was accused of increasing taxes and all the rest of it, but yet, this Government now is doing so, and I believe that it has to. It could not get the money otherwise. But, then again, this, they said they would not do.

Madam Speaker, as far as the taxes or the increased revenue in certain areas goes, I have seen but one proposal which is to change the Travel Tax from \$5.00 to \$6.00. I have not seen any schedule of increases where the work permit fees or the arrival taxes are concerned. I imagine they will be forthcoming, I have not seen them so far. As far as the work permit fees goes, I think that one needs to be certain that the fees in these areas will not be increased to an extent that it will make it difficult for businesses which require these particular professionals, to pay these fees, or the cost of the services or goods will be increased to an extent that it will affect the average person. I have no real problem with increasing the work permit fees, generally, in the areas that have been noted. However, I do have some concern about that particular situation.

I note as well, in here, that the Government is considering giving three-year work permits to these persons. What I do wonder about is if they have considered giving those three-year work permits to other categories of workers. I am sure that the need for work permits is as great in other areas as it is in these proposed areas. It is my understanding that what will be done in these cases is that a three-year fee will be collected, and if that is the principle on which the Government would like to take in more money at one time, then I daresay similar could be done in other categories of work permits. I would simply raise that point for the Government to take into consideration. Knowing that I have raised it, it stands an extremely good chance of not being heard, I am sure.

Madam Speaker, in the beginning I said that the Government started its career by stopping what was ongoing in the country and now, having stopped it, they seem to believe that there is a need to start it again - having lost one year and all the money that has been sunk in the process. I see that the Government is contemplating certain Capital Projects. I am glad to see that it is doing something in that direction, for I did not believe that many of the Capital Projects that were ongoing should have been stopped. But since they are now going to look at Capital Projects, it is, I would say, about time.

I see that there are plans to do some further development which is Phase II of the Community College of the Cayman Islands. I support that idea totally. I believe that it should have been started this year. But, education was under attack, which I think it still is, and of course, I daresay, the Member responsible will now take claims for the success or achievements in this particular area.

The George Hicks High School was stopped from being developed into a second High School. Now that is coming in for its share, supposedly. The John Gray High School, too, will be upgraded. After Government's going into a situation of guaranteeing half a million dollars to a private school, it is getting around to providing some money for the Red Bay Primary School. It just goes to show that this Government works in the reverse - hardly forward-thinking, hardly, to a plan.

The George Town Hospital, Madam Speaker, badly needs work renovation and improvements and it has for many years. We know that the Dr. Horter Hospital which was to replace it was stopped and now we hear that the present Hospital is to be renovated and improvements will be made there. My question is, where are the plans for this? Would the House be privileged to this, or would the public? When will anyone be able to see what these plans look like? What does it amount to and, indeed, has any study been done which shows that what is being planned, or contemplated, will be good fiscal management? We hear of these things, but they are not there.

The situation with the Hospital continues and, I believe, too, increases the need for renovations and innovations speedily. I am pleased to see that some thought is also being given to improvements at what we have commonly called District Clinics - one in West Bay and the other being in Bodden Town. These are needed, these are close to the populace. They are places that should have been

improved and developed to an extent where they could give enhanced services.

It has also been said that there is going to be a road corridor put in from the area of the Harquall Centre towards the Airport. I wonder if this is the corridor, or road, that was originally designed under the Master Ground Transportation Plan? If that is so, it will help the public at large and certainly, all the Members of the House, to know what and where exactly this road will be going so that there can be such public input, as is desirable and is necessary in such cases, and to clearly show that this will help the situation. It is one thing helping the congestion on the West Bay road, but, certainly, not to help the congestion from the three outer districts of this Island is hardly very fair thinking when one is looking at road improvements. It is a longer distance, the roads are much more narrow, and badly maintained, than those which are along the Seven Mile Beach.

In the Capital Projects envisaged by the Government there is also development in the agricultural sector. I think there is space for development in this area, particularly where it can be done without large outlays of money for, certainly, I believe in developing a road system, it would take precedence over spending similar large amounts in helping an agricultural sector. One can be built more slowly than the other. The slaughterhouse that has been long talked about is here, supposedly, going to be dealt with. My only wonder about this is, if statistics show that we have the extent of cattle rearing and butchering that to build such a facility could be justified if, again, the amounts in so doing would be large capital expenditure. I do not know for there are no details on this, simply references to it in the Budget Address.

I am particularly delighted to see that Cayman Brac got in here somewhere to be considered for a solid waste disposal system. It is known to myself, and, I am sure, my colleague, that the ground water, what there is in Cayman Brac, is badly affected and polluted and for some years ongoing there have been concerns expressed about the situation with the solid waste disposal. I certainly would be happy to know that any expenditure or work in this area could be undertaken and, certainly, the sooner the better.

Madam Speaker, altogether the Budget here is uninspiring. But it shows, to some extent, that the Government is having to face some reality. One of the things in it, however, that I strongly disagree with, and hardly, I believe, should that have been chosen for a reduction, that is the Stamp Duty reduction of 10% for transactions of \$250,000 and above. I would have thought that the Government would consider such reduction for the average citizen that is buying land for \$15,000 for a house lot. Why was there not a reduction in that area? A person who can pay \$250,000 for a condominium, or \$1 million, or \$2 million, they are people above want and they do not have need for such consideration. Where is the study for the facts, or the statistics, to show that by making it cheaper, only in terms of the taxes paid to Government on transfers, that is going to stimulate the economy? There are none. Of course, it will not do so because condominiums are being bought and sold now to the extent that it is, and this would hardly inspire that type of a situation. What it certainly does not do is help the people who need help in terms of a reduction of these particular taxes. I say that if there was going to be a reduction of 2.5%, it should have gone on the lower end, and not the upper end of this particular area.

I wonder, too, about the revolving development, or economic plan that was in place, and I wonder what is being done in this area? I think the economist has left, been dismissed, or whatever. I wonder who has replaced the individual, or what is the plan at this particular point in time?

The last point that I would like to make is that I am aware that Cayman Brac and Little Cayman have had a number of cuts made in the proposed Budget. I am not surprised, for that, too, was promised during the last election, that Cayman Brac's representatives, if not those approved by this Government, would sit on the Backbench as lone voices crying and, certainly, that is the case. I simply hope that there will be sufficient in the Budget to assist the economy to function as best it can for Cayman Brac and Little Cayman. I know that even a recent request for the transfer of some funds from one Head to another did not meet with approval until recent times, and I simply hope that what funds may be left in this year's Budget will be made available to deal, expeditiously, with some of the smaller projects for which it was recommended for the transfer of funds be made. Altogether, I think that there are areas where Cayman Brac could be helped, and I trust that by whatever means, or token, there will be some assistance in the right areas instead of simply dumping a lot of money into a road on the south side, as was started a few months ago.

I have offered my views on various points of the Budget Address of the Financial Secretary, and commented on some specific areas in the Estimates. I will have the opportunity of doing so in more detail when it comes to the Finance Committee. Altogether, I trust that the Government, through its tax measures, and through sensible fiscal management will, indeed, be able to achieve those things which it states it is prepared, or expects, to do.

Thank you, Madam Speaker.

THE SPEAKER:

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:19 P.M.

PROCEEDINGS RESUMED AT 3:44 P.M.

THE SPEAKER:

Please be seated.  
Debate continues. (Pause)  
The First Elected Member for Bodden Town.



**MR. ROY BODDEN:**

Thank you, Madam Speaker. This should be a time of anticipation. This should be a time of optimism. This should be a time of great expectations, as it is that time of year when the Government, through the Financial Secretary, brings to the country its plan of expenditure, management, stimulation, upliftment for the country. The Budget is a document which enlightens, enhances, leads the people with an air of expectation or disappointment.

It would have been good if this were a time when we could look forward to what the Japanese describe as, *Shinsato* - a new life, a new hope, a new time. Instead, if we are to judge from the brevity of the document, there is much to be desired. While it is true that the Cayman Islands have, for a very large part, and for some years now, been affected by the global economic slow down, that in no way lessens the obligation of the Government of this country to deliver to the people a plan which is feasible, practical and which brings hope, especially in light of the fact that that was the promise delivered to the people - that is what they have come to expect.

I am glad that the time has passed where no one can blame the previous Government. This document now is not the work of any previous Government, but it is the work of the Government now in place. So, the excuse-making time has passed. The euphoria of the recently fought election is over, and now we have come to the realities of the situation. The party is over and now we have come down to business, to brass tacks.

We cannot be consumed by the fact that the global economy, or the United States' economy, does or does not work. We have to be consumed by the obligations we have to the Caymanian people. We have to find a way not only to survive, to exist, or subsist, but to maintain a sustainable level of development - a level to which our people have come to expect and to appreciate. For, to do any less than that would be to fail most seriously and to let the people down in their expectations. So, as far as our domestic economic developments are concerned, I would like to make some brief comments.

According to the Budget document, on page 4 we read that this year, thus far, has been a record year for tourism, both in terms of air arrivals and even though we had, comparably speaking (as far as 1992 is concerned), a slight decrease in the cruise ship arrivals. That is true, because, for all intents and purposes, to the astute observer, for this whole year there has really not been a significant slow down in the number of tourists who have come to the Islands, certainly, by air. This is good. But let us not lose sight of the fact that this did not happen suddenly. While a certain amount of credit has to go to the maintenance of our country as a premier destination, credit must also be given to the policies which were left in place by the previous Government and the policies which were, indeed, set down by the architects of the plan to carve out the Cayman Islands as a tourist destination. We continue to do well, and it is my hope that that will carry on well into the future. But, there are some cautions to be taken.

We hear frequent complaints about the high prices experienced in our destination, and so there is a conscious need to be ever watchful about the rates that we raise. It is my contention that an industry such as tourism can disappear overnight, and while it will take years to build it up to a credible level, a few mistakes and a few unfortunate incidents can cause it to suddenly become an insignificant entity. So we have to be conscious of any substantial rise in rates.

Then too, we have to ensure that our social climate remains one that is not only attractive, but hospitable to these people. I extend this to include that notion of safety as one moves about the country - that notion that one can drive about, walk the beach, spend time in one's apartment and not have to worry about losing one's possessions, or any serious attempt upon one's life. In this regard, there is an even greater need for us to be vigilant because we all know of the concerns that we have in this society with regard to the prevalence of burglary and crimes of that nature. So, to say that the tourist industry has grown in well, but we have to balance that against the need to be vigilant, to be protective, particularly when it comes to the well-being of our visitors.

Complementing the tourist industry is the construction industry. Construction in our country is gaining an increasing importance especially in light of the fact that it would seem to attract many of those people (and I believe that it is safe to say an increasing number of young people) who find that they can use the skills and knowledge gleaned in this trade, not only to earn a living, but to help themselves. It is a little disturbing to note that on page 5 of the Budget document, under the heading 'Construction', the first half of this year approximately \$55 million of planned new construction investment was approved as compared to \$87.2 million in the first half of 1992. The document goes on to say that the only growth in demand for new construction occurred in the apartment/condominium sector. Government and the commercial/industrial sector showed a fall in demand for new construction.

Madam Speaker, I wish to marry that observation with the decline in the overall employment which, as far as Caymanians are concerned, dropped from 61.8%, to 57.8% in 1993. I would like to underscore again, that there is cause for us to be concerned at this drop. In countries like the United States, the construction business is one of the prime yard sticks as to how the economy is going. Indeed, economists and policy makers in the United States feel good when the level of the construction industry is high, particularly when the construction industry is being led by the building of homes, for, not only does that signify the circulation of money within the country, but it also presupposes a certain level of stability by virtue of the fact that the greater number of homes being built means the more significant the effects on the economy as regards the trickle-down effect.

I would like to take this a step further, and to say that the Government, in its announced reduction of the transfer fee on real estate from 10% to 7.5% in excess of \$250,000, may have been more effective had they offered a reduction on those transfer fees to first-time Caymanian home or apartment buyers. This would be a move in the direction to encourage Caymanians to invest in homes or apartments. I contend that the Government would not be losing much in the reduction of this fee since it is

something which they do not already have. I would be glad to see the Government take such a step and, Madam Speaker, I leave the challenge with them.

We are a country which is becoming more dependent upon the collection of import duties - as Figure 1 in the Summary of Revenue by subhead, on page 2 of the Estimates of Revenue and Expenditure for the year ending December 31, 1994, demonstrates. And, because this is so, it places an ever greater strain on our revenue collecting agencies, particularly the Customs Department, which is the largest of these agencies. There is a need for a continued sharpness and a continued vigilance in the collection of these revenues.

In recent times, however, I have been perturbed by some stories which I have heard regarding the attitude of some importers in this country. It would seem that some large importers are not above taking advantage of situations. Indeed, I would go as far as to say that their attitude seems to be no different than that of Leona Helmsley in that they believe that only the little people should pay taxes. This is disturbing because when the system breaks down at this level, the whole country breaks down. I would hope that where the Government has to pursue individuals and find them delinquent, or dishonest, that the full letter of the Law will be brought to bear upon them.

There is a need for continued development of our Customs Department, development in areas not only of revenue collection, but in other areas as well. I vividly recall, during my tenure as Chairman of the Public Accounts Committee, it was a recommendation of the Committee that Government consider collecting cash in lieu of bonds from large importers. I wonder if that recommendation has been put in place, because it seems to me fiscally prudent in those cases where heavy equipment is brought into the country supposedly for six months, or whatever the agreed period is, that the Government could earn for itself some money by requiring, instead of a cash bond, a cash deposit to be returned to the importer upon the export of the equipment. If that were done, one could almost say with 100% surety that that equipment, brought in under those conditions, would be taken back out of the country. Even if the equipment were not taken out, the Government would not stand to lose seeing that it would have its import duties up front. I believe in the past there have been some cases where the Government may have been taken advantage of.

It is reasonable to expect that if duties are to be imposed, they are to be imposed on all and sundry alike. There should not be any exclusions. Certainly not through laxity or loopholes. So I stress the need for constant review.

This is a good point to again raise my concern that the removal of the Internal Audit Unit of the Customs weakens that arm in revenue collection. There should be a constant monitoring of this by the Government because it will take but a little while before any fall in revenue collection will manifest itself in other areas that will detrimentally affect the well being and standard of living, and the ability of Government to carry out projects and to live up to the expectations and obligations of the people.

So, I now come to Government's role in the economy. At a time like this, the role of the Government should be more pronounced. Indeed, the Government should be in a position where it could shell out some monies for needed capital projects so that it could take up some of the slack which is created as a result of a retreat by the private sector because of the economic recession and because of hard times. Ideally, the Government should be able to bear this expense until such time as the private sector is in a position to pump some money into the economy and to create some development, at which time the Government could gradually retreat. So, I posit that this is not an ideal time for the Government to slow down, but rather this is a time for the Government to take a more assertive role. This is a time for them to put into place some major capital projects.

If that is what the Government is doing, as I hear being echoed across, then they are not off to such an excellent start. For the Government, in its first move, exasperated and demoralised the Civil Service by a widely announced cut, which, to my mind, served no good purpose. The facts tell us that the objective was not achieved and could not have been achieved for, personal emoluments, which represent 54.83% of the total recurrent expenditure for 1994, represents also an increase. If we were to take page 15 of the Estimates of Revenue and Expenditure for the year ending December 31, 1994, we would see that the Civil Service, with the retrenchments, shows an increase in Basic Salary of \$7,630,503; and in Wages of \$1,083,529; giving a total of \$8,714,032, begging the question, what was the real purpose of the retrenchment exercise and the upsetting of the Civil Service? To take it a step further, Madam Speaker, in 1992, personal emoluments represented 47.34% of the actual Budget; in 1993, the revised figure was 42.11%; and, as I stated before, the estimate for 1994 is 54.83%.

**THE SPEAKER:**

Honourable Member, would you, in the future, not repeat that argument which has already been presented unless you have a new view on the increase or decrease of Civil Servants' salaries?

**MR. ROY BODDEN:**

Madam Speaker, I was going to posit that perhaps more consideration should have been given before the exercise was undertaken.

The argument is that any curtailment in Government expenditure must be balanced against the fact that the Government seems to be doing much less by way of capital projects. I think that that is obvious. It strikes me that the attitude of the Government seems to be, to do little by way of these projects so as to be in a position to boast that the Budget is balanced, or that they did not incur any large debts.

While it is true that the significant challenge of any Government is to leave the country in no worse shape than it found it, it is also true that it is the expectation of the populace that many situations can be improved. This Budget is significant in many aspects, not the least of which is its lack of

hope that the economic situation will be much improved. While I will concede that there are elements for which I am grateful, I equally as quickly concede that there are many areas in which I have some disappointment.

Phase II of the construction of the Community College is a move which is timely and is in the right direction, as are the other developments to the George Hicks and the John Gray High Schools and the two Primary Schools mentioned, the West Bay and the Red Bay Primary Schools. But there is much public concern by the fact that earlier the Member saw fit to guarantee a significant sum of public monies to go to the development of a private school. Such a sum would have been better spent in upgrading the Government's own facilities.

Regarding the road improvements, enough cannot be said of these needed improvements. Certainly, within my own constituency there is a hue and cry, legitimately so, for the improvements to certain roads. Roads which, I have to admit, are not necessarily the responsibility and the obligation of the Government, but roads which the Government must, to a certain extent, feel obligated to maintain by virtue of the fact that developers were allowed to construct these roads and sell the lots when the roads were constructed to less than ideal conditions. The result of that is an increased burden upon the Government for something which some enforcement of standards could have alleviated. I would hope that the Government can see it affordable not only to fix these roads and develop new ones but also in the future, to spare themselves unnecessary expense, to carry out the enforcement of these specifications.

I have to compliment the Portfolio of Agriculture, Communications and Works, and congratulate them for the renovation of the Civic Centre in Bodden Town. The project, in the opinion of the three representatives, is excellent and, indeed, only lacks the placement of a water fountain outside which is accessible to people, especially the youngsters who use the hard courts. The renovation has really uplifted the community and those people who use the Centre now use it in the comfort of air conditioning. I would like to publicly thank the Member and his Portfolio's staff for this. I would hope that the other needs in the constituency of Bodden Town can be met in a timely fashion, and one which does not overburden the Government at a time when the country is not in the best position as far as its finances are concerned.

While, as I mentioned, I have some reservations with the Budget, I wish to go on record as wishing the Government well, and to state that they can look forward to my usual cooperation and help in the projects which they embark upon for the benefit of the country.

Thank you, Madam Speaker.

**THE SPEAKER:**

There is just five minutes left before the moment of interruption at 4:30, Honourable Member for Tourism do you...

**HON. THOMAS C. JEFFERSON:**

I wondered, Madam Speaker, if you were asking me to move the Motion of Adjournment?

**THE SPEAKER:**

We still have five minutes left, according to the clock. Honourable Third Official Member, do you wish to say something?

**HON. GEORGE A. McCARTHY:**

Yes, Madam Speaker, just to clarify a point. I noticed that two Members, so far, have made reference to the increase in salaries in 1994 over 1993. Before another Member looks at the increase of \$7.8 million as being very significant, I would just like to point out that the salaries for 1994 include that for the Health Services Authority. That was not previously included on the salaries in 1993.

Very quickly, if Members will turn in their Estimates to page 277, which sets out the estimates for the Health Services Authority, which is now being brought back in under central Government, it will show that the salaries that have been budgeted for 1994, plus overtime, amounts to approximately \$7.8 million. So when we look at the figures on page 15 of the Estimates and if we were to look at the approved position of \$44.7 million in 1994, and we were to take into account that on an average...

**THE SPEAKER:**

Honourable Member, I am afraid you are going too far. There is no provision under which you can speak. If you speak now, you are closing the debate. I do appreciate what you are trying to do, but if we have rules we must go by them. Your explanation was rather lengthy and I will now call for the Motion for the Adjournment.

Honourable Member.

#### ADJOURNMENT

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, I wish to thank the Honourable Financial Secretary for his elucidation and to say that I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

**THE SPEAKER:**

The question is that this Honourable House do adjourn until 10:00 o'clock tomorrow morning. Those in favour please say Aye... those against No. The Ayes have it.

AT 4:30 P.M., THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., THURSDAY, 11TH NOVEMBER, 1993.

**THURSDAY  
11TH NOVEMBER, 1993  
10:04 A.M.**

**THE SPEAKER:**

I will ask the Honourable Third Official Member to say Prayers.

#### PRAYERS

**HON. GEORGE A. McCARTHY:**

Let us Pray.

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

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

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.

**THE SPEAKER:**

Please be seated.

Proceedings are resumed in the Legislative Assembly. Questions to Members. Deferred question No. 183, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

#### QUESTIONS TO HONOURABLE MEMBERS

##### DEFERRED QUESTION NO. 183

**THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING**

**No. 183:** To state what additional work is planned for the sanitary landfill at Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, I would like to ask the Honourable Minister for Tourism, Environment and Planning to state what additional work is planned for the sanitary landfill at Little Cayman.

**THE SPEAKER:**

The Honourable Member responsible for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:**

Additional work and equipment is planned for the Little Cayman landfill. Work is in progress to improve the drainage in the landfill and thereby enhance the evaporation rate of fluids in the area. It is planned to acquire a special burner in 1994 to reduce the volume of garbage for final disposal and plans are also being formulated to expand the lined landfill cell area in 1995.

**SUPPLEMENTARIES:**

**THE SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. Would the Honourable Member state if the plan is to put solid waste into the sections of the landfill as built now, as it was my understanding it was for the ash?

**THE SPEAKER:**

The Honourable Member responsible for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:**

I believe that the reason for purchasing this special burner is to reduce the amount of waste so that the disposal of it would be minimal in terms of going into the lined landfill area.

THE SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Madam Speaker. Further to that supplementary, Madam Speaker, what I am really trying to arrive at is if the present landfill will be used at present for what I would call garbage that is collected? Will that be placed in the landfill ponds, for want of the proper name, or will that be put on another site, as it is my belief that is going to fill them very quickly?

THE SPEAKER:  
and Planning.

The Honourable Member responsible for Tourism, Environment

HON. THOMAS C. JEFFERSON:

Madam Speaker, as I understand it the reason for developing a lined landfill area in Little Cayman is for it to be used for waste disposal. The proposal in 1994 is to buy a special burner which will dispose of some of this waste material, thus minimising the amount to be put into the lined landfill area.

THE SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Madam Speaker, would the Honourable Member give an undertaking that he will have the height above the Mosquito Research Benchmark checked on the landfill? The present landfill is in an extremely low area and it does settle water after a normal rainfall.

THE SPEAKER:  
and Planning.

The Honourable Member responsible for Tourism, Environment

HON. THOMAS C. JEFFERSON:

Madam Speaker, I do not think there is any difficulty with that. The first part of the question says that work is in process to improve the drainage in the landfill area and to enhance the evaporation rate of the liquid, which I think the Member is talking about at the present time.

THE SPEAKER:

The next question is No. 189, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 189

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

No. 189: Would the Honourable Member set out Government's policy for securing additional street lights on Cayman Brac and Little Cayman?

CAPT. MABRY S. KIRKCONNELL:

Madam Speaker, I would like to ask the Honourable Minister for Tourism, Environment and Planning if he would set out Government's policy for securing additional street lights on Cayman Brac and Little Cayman.

THE SPEAKER:  
Works.

The Honourable Member for Agriculture, Communications and

#### SUSPENSION OF STANDING ORDER 23(5) (DEFERRAL OF QUESTION)

HON. JOHN B. McLEAN:

Madam Speaker, under Standing Order 23 (5), I ask that question 189 be deferred for a later date during this Meeting.

THE SPEAKER:

The question is that question No. 189 be deferred for a later date during this meeting. I shall put the question. Those in favour please say Aye....those against No....

AYES.

THE SPEAKER:

The Ayes have it.

AGREED. QUESTION NO. 189 DEFERRED.

THE SPEAKER:

The next question is No. 190, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 190

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 190: Who is responsible for mosquito spraying and maintenance of the equipment required on Little Cayman?

CAPT. MABRY S. KIRKCONNELL:

Madam Speaker, I would like to ask the Honourable Minister responsible for Tourism, Environment and Planning, who is responsible for mosquito spraying and maintenance of the equipment required on Little Cayman?

THE SPEAKER:  
Planning.

The Honourable Member for Tourism, Environment and

HON. THOMAS C. JEFFERSON:

The responsibility for mosquito spraying and maintenance of the equipment in Little Cayman is with the resident supervisor in Cayman Brac.

THE SPEAKER:

The next question is No. 191, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 191

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

No. 191: What percentage of tourist arrivals is representative of "package" tourism, and what percentage is representative of other categories of tourism?

MR. GILBERT A. McLEAN:

Madam Speaker, I would like to ask the Honourable Minister for Tourism, Environment and Planning what percentage of tourist arrivals is representative of "package" tourism, and what percentage is representative of other categories of tourism.

THE SPEAKER:  
Planning.

The Honourable Member for Tourism, Environment and

HON. THOMAS C. JEFFERSON:

Thank you, Madam Speaker. Ongoing Exit Surveys, conducted by the Department of Tourism at the Airport, indicate that approximately 30 per cent of our visitors come to the Islands on a pre-paid package vacation. These packages are sold by "wholesale travel companies" which are approved or registered by the Cayman Islands Hotel and Condominium Association. Approximately 70 per cent of visitors, therefore, are not on packages.

#### SUPPLEMENTARIES:

THE SPEAKER:  
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Madam Speaker, could the Honourable Member possibly give an indication as to what sort of expenditure does the country gain from this particular 30 per cent of tourist/visitors who come to the Islands on package tours?

THE SPEAKER:

I am not certain that that is part of the original question. If the Honourable Member has the figures readily available, he could reply, if not... Honourable Member for Tourism.

HON. THOMAS C. JEFFERSON:

I am not in possession at this time, of the figures that are being requested by the Second Elected Member for Cayman Brac and Little Cayman.

THE SPEAKER:  
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Thank you, Madam Speaker. Could the Honourable Member say, in the advertising campaigns put on by the Department of Tourism, what extent of emphasis is placed on attracting package tourism, as averse to the other type of tourism?

THE SPEAKER:  
Planning.

The Honourable Member for Tourism, Environment and

HON. THOMAS C. JEFFERSON:

Madam Speaker, the advertising programme of the Department of Tourism mainly caters to tourists who are coming to the Cayman Islands on scheduled services, with the

exception of possible packages during the summer months.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if the percentage of tourists who come to the Island on package tours is likely to increase over the next 12 months?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, it is almost a little bit of a speculation on my part to answer that question. At the present time we have 30 per cent. I know of one other possible package programme that will be coming in the summer of 1994. I know of nothing more than that at the present time.

**THE SPEAKER:** The next question is No. 192, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 192

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING**

**No. 192:** How much money does Government receive for rental of buildings or properties, providing identification?

**MR. GILBERT A. McLEAN:** Madam Speaker, I would like to ask the Honourable Minister for Tourism, Environment and Planning how much money does Government receive for rental of buildings or properties, providing identification.

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** The Government at present receives rental income totalling C\$68,011 per annum. This is broken down as follows:

Craft Market	\$25,698.00
Whitehall Bay Cafe	\$14,400.00
Tower Building (portion let to the Water Authority)	\$27,913.00
<b>Total:</b>	<b>C\$68,011.00</b>

#### SUPPLEMENTARIES:

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

**MR. GILBERT A. McLEAN:** Madam Speaker, could the Honourable Member say if, in the near future, there are any intentions of reviewing the rentals on any of the properties presently rented?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I am not really in a position to answer this question with any specifics, but I can say that in the case of the Whitehall Bay Cafe there is a lease document. I am unsure about any escalation in the rental, although normally there would be. I am not aware of any other increases. This matter is usually dealt with by the Government as a whole, mainly the Lands and Survey Department. At the present time, I am unaware.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, could the Honourable Member say if there are any rentals in arrears at this time?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** I have not been informed of any, Madam Speaker.

**THE SPEAKER:** Elected Member for Bodden Town.

The next question is No. 193, standing in the name of First

#### QUESTION NO. 193

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 193:** What progress has been made to date in the search for an examination to replace the CXC?

**MR. ROY BODDEN:** Madam Speaker, I would like to ask the Honourable Minister for Education and Culture and Aviation, what progress has been made to date in the search for an examination to replace the CXC.

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** No decision has been made at this point to replace the CXC examinations. A team from the Education Department and the Portfolio, including myself, visited the Ministries of Education in the Bahamas and Bermuda in May and June of this year. We also visited the Welsh Joint Examinations Council and the University of Cambridge Local Examinations Syndicate. This was a fact-finding visit to obtain more detailed information on what examinations other countries were using and why, and to determine what examinations were available to us. We also had an in-depth briefing on the changes which are occurring in the United Kingdom in respect of the National Curriculum and the GCSE. The CXC examinations have also been reconsidered.

#### SUPPLEMENTARIES:

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I would like to ask if the Honourable Member is in a position to say when such a decision might be forthcoming?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, that is an opinion, but I really cannot say. When I am in a position to do so, I will do so.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. It was published in the local national newspaper this week that a statement will be made by the Honourable Member concerning the question of a possible replacement for CXC. Is the information that he is now giving the House similar to that which he will be giving in that regard?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, the Honourable Member will just simply have to wait and see.

**THE SPEAKER:** The next question is No. 194, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 194

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 194:** What external examinations are currently offered at the Community College level?

**MR. ROY BODDEN:** Madam Speaker, I would like to ask the Honourable Minister for Education and Culture and Aviation, what external examinations are currently offered at the Community College level?

**THE SPEAKER:** The Honourable Member for Education and Culture and

Aviation.

**HON. TRUMAN M. BODDEN:**  
College are as follows:

Pitmans (England)  
City and Guilds (England)  
Educational Institute (United States of America)  
Cambridge "O" Levels (England)  
Southern Examining Group (England)  
Association of Accounting Technicians (England)  
Chartered Insurance Institute (England)  
Chartered Institute of Bankers (England).

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if any consideration is being given to offer examinations which will be suitable to persons wishing to qualify for the teaching profession?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, teacher education is a part of the long term plans for the College, and at present we have the UWIDITE programme that is coming on line.

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

**MR. ROY BODDEN:** Can the Honourable Member say if any investigations have been made into the examinations being offered by the College of Preceptors with regards to teacher qualifications?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Not to the best of my knowledge, Madam Speaker, but I do not profess to have a total in-depth knowledge of details in this area.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Would the Honourable Member give an undertaking that these examinations may be studied to see if they offer any suitability to teachers in our jurisdiction?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, it is up to the Board of Governors of the College. The most that I can do is bring to their attention that the Honourable Member has made this request, which I will do.

**THE SPEAKER:** The next question is No. 195, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 195

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 195:** Are there any plans to include the International Baccalaureate as part of the programme of studies at the Community College?

**MR. ROY BODDEN:** Madam Speaker, I would like to ask the Honourable Minister responsible for Education and Culture and Aviation, are there any plans to include the International Baccalaureate as part of the programme of studies at the Community College?

**THE SPEAKER:** The Honourable Member for Education and Culture and

Aviation.

**HON. TRUMAN M. BODDEN:**  
International Baccalaureate as part of the programme of studies at the Community College.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if in the broadening of the Community College curriculum, particularly in light of the announcement that the Community College is working towards an Associate Degree Programme, if any consideration will be given to the International Baccalaureate as part of the curriculum of studies?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** The Honourable Member has now gone into the question of degrees, which is somewhat beyond this question. The most I can do is to pass on to the Board of Governors what the Member has mentioned.

**THE SPEAKER:** That concludes Question Time for this morning. We proceed to Government Business, continuation of the debate on the Budget Address and the Second Reading of the Appropriation (1994) Bill, 1993.

## GOVERNMENT BUSINESS

### BILLS

### SECOND READING

#### THE APPROPRIATION (1994) BILL 1993

(Continuation of the debate on the Budget Address)

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, I am once again thankful to God for being able to be present at yet another Budget presentation and Debate. The past year has been a very difficult year, one in which we have had many problems to deal with. Although there are many problems left behind for us, Madam Speaker, I am beginning to feel good, as far as the financial position of the Government is concerned. As the Honourable Financial Secretary said, we curtailed Government's spending since taking over.

In this year we saw Government expenditure grow by 5.7%, compared to 11% in 1992. Clearly, our efforts have been effective regardless of the noise made by the so-called Opposition. This year we are looking at a recurrent side surplus of \$7.2 million, while last year the accumulated deficit alone was \$7 million. This, Madam Speaker, and Honourable Members, means a turn-around for this country of over \$14 million. I feel good about this.

The First Member for Bodden Town said that we cannot blame his new bosom friends, the last Government. True, he is right. This turn-around can only be credited to the un-tiring efforts, and sound management principles of the National Team Government - something that they do not like to hear, but the truth is the truth. No previous Government can take responsibility for this because when the previous Government left the country, finances were in shambles and the records are there for one and all to see.

Moreover, Madam Speaker, one thing that the Opposition Members did not pitch upon in this Budget Address - I believe that this is the first Budget Debate during which I have heard nothing said about Cayman Airways in about 15 or 16 years - nothing said about it for the first time that I have been a Member of this House - well over nine years. Why? Simply because the National Team's Government, through the Member responsible for Education and Culture and Aviation, the Honourable Truman Bodden, has also I believe I can dare to say, has turned around the national flag carrier. But you did not hear the opposition say anything about that. Not to say it still does not have problems, it still does. But I know this, the national flag carrier has come a long way since last year. I say that this country, this House, owes a debt of gratitude to the Honourable Member responsible for taking the actions which were necessary - something that the previous Government refused to do. This is good management.

This Budget is a practical and forward-thinking exercise. It shows reduction in expenditure and it contains many new programmes for the enhancement of a better quality of life for our people. We can raise revenue without putting any pressure on the little man, or the ordinary man on the street.

What will this revenue do? It will assist to build new roads. The programme will start to take the pressure off the West Bay Road. I heard the Member from Cayman Brac talk about the Eastern Districts, they are not forgotten in this Budget. There is much expenditure, very large expenditure,

indeed, for the other districts. A new plan is being developed, not something that is blown out of proportion, but something that this country can handle - a new plan for road works. My friend, the Honourable Member responsible for Agriculture, Communications and Works, can eloquently deal with this matter.

The revenue will assist to build new roads, upgrade old ones, build new roads, including the road in the Budget entitled the "Roy Bodden MLA" Road. It will build play fields. The new revenue will enhance Civic Centres, build new health centres in the districts. The new revenue means Rehabilitation Programmes; Day Care Centres for our old folks; After School Care Programmes for those children most vulnerable to problems between 2:30 and 5:30 in the afternoons. This programme is going to be expanded throughout every district in this country. The new revenue measures means new school facilities for our children; programmes for delinquent young people; and the restructuring of the Bonaventure Boys Home. The new revenue measures mean public parks and a jetty in Frank Sound; it means a channel for Bodden Town. The new revenue measures mean new development in the agriculture sector; beginning our hospital renovations; and the new revenue measures will mean, at long last, the start of our National Sports Complex - something that I am committed to completing the first phase of, if not more, by 1996, God's willing. The new revenue measures mean better parenting programmes. It means efforts to boost our tourist dollar.

Madam Speaker, this is hope in the future, not only in the short term, but even more hope in the longer term. Most importantly, this work will stimulate the economy of this country. I am no accountant or economist, but I know that the amount of work that is scheduled to begin in the new year, God's willing, will mean that there will be a stimulus in the economy. Is this not good? Yet, Madam Speaker, the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac and Little Cayman say there is a lack of hope in the Budget. Which Budget are they talking about?

It does not surprise me that they would say something like that because they are hopeless and have not contributed anything to the country. A good Opposition puts forward an alternative programme, all the two of them have done is complain.

Lack of hope is not a true description of our measures as contained in the Budget, but rather, instead of a lack of hope, the Budget contains much evidence of the National Teams' firm hope and confidence in the future. It is a step in our investment into the 21st century.

It is true that the exercise carried out within the Civil Service did not yield as much as was hoped, but how can the Second Elected Member for Cayman Brac and Little Cayman say that it was the lack of a study that was the cause? How can he say that? Where is his expertise? Why did he not put an alternative on the Table of the House, or run to the newspapers with it as they usually do?

On the one hand, they talk as if to say there was not enough done with the exercise and then the very next minute they complain about the layoffs. Those two Members have to make up their minds what it is they want. They complain, as if they know it all, about an increase in the estimates for personal emoluments - adducing all kinds of erroneous reasons for the increase without getting their facts straight. Yet, they are supposed to have more education and more know-how than anybody else. If they are so concerned about the Civil Service and the measures taken by Government, why would they complain about the personal emoluments? Even if the First Member for Bodden Town does not know, surely the Second Elected Member for Cayman Brac and Little Cayman, who says he is an expert in Civil Service matters, should know that every year there is an increase in an annual increment for Civil Servants. This Budget is no less than the rest of the Budgets presented over the years in this country. So why would they complain about the personal emoluments, if they are not trying to fool somebody? This year's Budget contains the annual increments for the Civil Service, which is around 3% of the total personal emoluments and that is small enough as it is.

That same Member, the Second Elected Member for Cayman Brac and Little Cayman, made some reference to 1996. He has a hope that will not materialise, because the Civil Service cannot be fooled, and the population at large well know what those persons who cannot have their way with the Civil Service do - they burn down the Administration Building. There are many Civil Servants who still well remember.

On the one hand the Opposition complains about Caymanians being out of work. But yet, the Second Elected Member for Cayman Brac and Little Cayman tells us to grant three-year work permits in areas other than those stated in the Budget, that is, the professional areas, because there is a need in other areas, he says. What nonsense! What kind of logic is that, Madam Speaker? If Caymanians are out of work, would it not mean that they would be out of work that much longer? Especially in the non-professional areas, which is where the problem is.

Oh yes, they know it all. But that nonsense does not surprise me. It was the same opposition Member, the Second Elected Member for Cayman Brac and Little Cayman, who wanted me to give pregnant women birth control earlier in June. It does not surprise me, of their kind of logic.

#### POINT OF ORDER (Relevance)

MR. GILBERT A. McLEAN:

Madam Speaker, on a Point of Order. I, in my debate, made no reference to pregnant women and birth control. I call the Chair's attention to the section dealing with relevance.

THE SPEAKER:

Honourable Member, the Second Elected Member for Cayman Brac and Little Cayman has a valid Point of Order. In his debate, he made no reference to pregnant women. Unless you wish to clarify that would you please continue with your debate on the Budget?

HON. W. McKEEVA BUSH:

Madam Speaker, thank you very much. He certainly made no

reference this time, but I made a reference to his reference in June. I am comparing that nonsense with the same nonsense about giving longer terms outside the professional areas for work permits. That is the education that this country paid for.

Madam Speaker, regardless of the untruths and the character assassination that is heaped upon us, this Government is doing the right thing. We are accomplishing, one by one, those things, those promises contained in the National Teams' Manifesto with which we won by an overwhelming majority. That is why the Opposition is so frustrated and illogical, because they see us accomplishing things. That is why they could hardly open their mouths on the Budget debate. I know what they did not accomplish in here, they will go on the street and spread their propaganda under some grape tree.

There was a reference by the First Elected Member for Bodden Town about the rise in crime. I believe that the Honourable Member responsible for Tourism, Environment and Planning can take on those two, that set of twins, very effectively. He can say what he has done and is doing. But, we are concerned about the rise in crime for we realise the dangers it poses not only to businesses and individuals living in this country, but to investors and tourists alike. As a Government, we have not sat back and just said, "Oh, it happens in other countries". No, Madam Speaker, we, as a Government, are doing something and have done something about this rise in crime.

The two Opposition Members must understand that, while they say to us do not blame their friends, the former Government - because that is the first thing they say now whenever they get up, "You cannot blame the former Government" - that statement does not release the former Government from the wanton disregard they displayed in the increase in crimes while they had the charge of this country.

But it amazes me how those two Members, who criticised the former Government for not doing the things that we today are doing, can now jump on the band wagon of the former Government and make them out as angels - two Members who raised all sorts of criticisms about the former Government, especially the Second Elected Member for Cayman Brac and Little Cayman, who went running to them in the last election when he could not have his way with the National Team. It amazes me. It truly amazes me. But, it makes me quite understand, even more clearly, what happened to Jesus with Judas Iscariot, who had the nerve to kiss Jesus on the cheek and say, "Is it I, Lord?". You do not worry about which side McKeever is on.

You will note that I do not get all hot under the collar and talk about who is a gentleman, and who is not, and who has manners, and who does not have manners when I am interrupted. That is because I have skills enough to deal with any interruptions and the Second Elected Member for Cayman Brac and Little Cayman, who has made his snide remarks sitting there, does not need to question - because I do not think the Cayman Islands does - where McKeever stands. If the National Team Government felt that this Member was not part of them, I would not have gotten 13 votes to sit here today. He must remember that. Or, in fact, not only the National Team, but some who were not in our Manifesto. When I am for you, I am for you. When I am against you, the whole world knows it. There are no "ifs" or "ands" about my position.

Madam Speaker, while the situation is not good, we have worked very hard to put the criminals behind bars. When we consider that the former Government saw the destruction of the only little bit of protection that the country had when the police boats were run aground on the reefs, there was no effort by them, as far as I could see, to replace the boats. The Drug Dog Programme was disbanded during the period of the last administration. So there was no fear for anyone at the docks or the airport to import drugs - except for the hard work of the Customs Officers. There was a slackening in effective searches in this country and with the absence of the boats and no drug dogs, the criminals virtually took charge and the gun-running flourished. From the quantities that we now know about, which have been confiscated by the police force, importation of drugs must have been no problem.

Madam Speaker, there had to be serious movement between the North Sound and the coast of Jamaica. There was a constant trade plying in between. We know it because we saw it happening and we reported it time after time. As a Member of this House, I raised motions in this House to deal with it, but nothing was done. Therefore, the criminal elements felt at ease, their trade boomed, and our children suffered. This country has since continued to suffer in terms of rising criminal activities with burglary and other robbery scaring the population, and the First Elected Member for Bodden Town, and his counterpart the Second Elected Member for Cayman Brac and Little Cayman, tell us not to blame the former Government. Who else is to be blamed?

Now the question must be posed, and answered; what has this Government done anything to arrest the deteriorating position? The answer is, clearly, we certainly have. We reinstated the Drug Dog Programme, the police have stepped up on their searches and harassment of known dealers and, with the arrival of Mr. Cutts, all of this has proven beneficial. Thank God, at long, long last, after much pleading, through the efforts of His Excellency the Governor and ourselves, the British Government has given us a purpose-built Coast Guard Cutter which will soon be commissioned.

Have we done anything? Funds are also in this Budget for the proper qualified personnel for the vessel. I hope to God she will blow the criminals out of the water.

Further on in this meeting, Madam Speaker, also, the Firearms Law and other Laws relevant to it will be dealt with to make the punishment fit the crime. They say we are doing nothing. Where have they been, the two of them? I know where, Madam Speaker, somewhere spreading propaganda - foolishness that cannot be maintained when you press them!

So, Madam Speaker, if there is a lack of hope, it is because the First Elected Member for Bodden Town refuses to cooperate with this Government. The Second Elected Member for Cayman Brac and Little Cayman does not know the difference between who is pregnant and who is not, and who should get the right sort of treatment. We certainly should not listen to him.

Therefore, this Government is on full steam ahead, I am confident that, while it will take some time, and the country must understand this - we cannot change the position of this country entirely in one year - the Government is coming to grips with criminal activity. We mean business and we are going to do whatever it takes to clean up this country and ensure that criminal activity is at a livable level. That is the position we will take. This Government is doing the right thing.

A criticism was leveled at us when the Second Elected Member for Cayman Brac and Little Cayman said we need a plan for the hospital, and that nothing is being done. Madam Speaker, I would like to tell him that those moles are feeding him the wrong information. I know that they keep trying to get information so that they can thwart the efforts of this Government. While they do get some, we make sure that the information they get we can sustain on the floor of this House.

In statements earlier this year I outlined what the plans are for the hospital. However, if by plan the Second Elected Member for Cayman Brac and Little Cayman is talking about another International Health Care Corporation deal or scheme, then I can inform him, without any shadow of a doubt, that I will not be making that kind of plan.

The Hospital Facilities Review Committee, which was put in place by the Portfolio, is working on the basis of building new facilities or renovating, in a phased manner, various units of the Hospital, depending upon the present situation. The Review Committee, with input from various other sectors of the Hospital, has identified the needs. The proposal suggested new structures for certain sections and reorganisation of the existing facilities for others. The activities have to be incorporated into a Master Facilities Plan which is being pursued at this point in time. Based on the Master Facilities Plan, Phase I activities will begin next year for which the Budget contains \$1.4 million for expenditure.

In this Phase I a new Emergency Services or Trauma Unit, a new Intensive Care Unit, a high dependency area for acute care cases and a Materials Management building will be built. Also, Government has agreed that the Natural Resources Unit, or the Department of Environment, as it is now called, will be moved to a new site, for which funds are also included in the Budget. The present 1.5 acre site of the old MRCU unit will be utilised for hospital facilities. This, Madam Speaker, as I have always maintained, could be done.

There is still grumbling by the Second Elected Member for Cayman Brac and Little Cayman about stopping the hospital in the swamp. I believe today that those grumbling about that hospital are in the minority. Where would this country be, where would Government's finances be, if we had continued with that project? With a projected Recurrent Expenditure of \$25 to \$30 million in the first two years, how could we sustain that sort of expenditure? It would have broken the country.

Recently, Madam Speaker, a group of investors from out of the United States, and out of Europe, mixed together, came to have a look-see at that hospital. They said that anybody building a hospital in that swamp must have been crazy. They want to do some development in health facilities and they have a good plan, but they refuse to go in that direction. I am still hoping that we can sit down with them and negotiate their coming into the country and doing something because I believe that if the private sector can take up much of the slack, then there will be less expenditure for Government. That hospital had to be stopped - the same thing that was being said by the Second Elected Member for Cayman Brac and Little Cayman since it started, only now he has changed his story, he and the First Elected Member for Bodden Town.

Madam Speaker, we have also come a long way in expenditure for the present George Town Hospital. Last year, it was over \$15 million. This year we saw a reduction with the total expenditure just over \$10 million. Next year, of course, it will go up, and I would have liked the performance to have been better with regards to finance. Nevertheless, we are well on the way to controlling the expenditure. Maybe next year, when the new Member comes into Executive Council, it will be a post that will be shifted from my Portfolio.

But, Madam Speaker, I must say that the Hospital's Chief Executive Officer, Mr. Conolly, and his staff and administration are doing well. Not to say that there are no problems. Yes, there are problems in the health sector, there will continue to be problems. But I must point out to this country that there are no crises that cannot be handled - there are no overwhelming crises.

One of the problems at the Hospital is the large expenditure, yes. Madam Speaker, when you have citizens of this country who have health insurance and when they get sick and the insurance company pays them, and they take that money and never pay their hospital bills, there will be financial problems. That is the situation I found. That is the situation I am trying to deal with as humanly possible as we can. But people must understand that if they have a health insurance policy and they get medical assistance or treatment at the George Town Hospital, that insurance money should go to them. That has been turned around I believe. But there is quite a bit of expenditure outstanding because of that situation.

It is a funny thing that over the years some of our people have come to believe that they can spend \$25 to buy a ticket for some raffle for some automobile but they must not pay \$25 at the Hospital. The situation as has been existing with health care, expenditure-wise, tells me that those sort of people should get a different thinking cap on because the situation the world is in, the direction that health care is going worldwide, it will mean more expenditure over a period of time. Technological advancement will assist, but it will not entirely cut down the cost.

In that vein Madam Speaker, I am in good hopes of having the National Insurance Programme before this House to the country next year as was promised. We are well on the way with it, an Actuary will soon be hired to look at the programme and, as I have said, God's willing, next year the programme will be off and running.

As Members are aware, with the revision of the Health Services as a Government Department, the management of the Public Health Services will be an integral part to the

Department of Health, and it is one of the Units within the Department of Health that I have put a lot of emphasis on. I had the opportunity of attending the Fourth Annual Meeting of the Health Ministers and Health Officials of the British Dependent Territories held in Montserrat in October of this year. At that meeting emphasis was placed on the Caribbean Charter for Health Promotions and it was adopted by the Health Ministers. Health Promotions, as we all know, is a process which enables individuals and communities to control, improve and maintain physical, mental and spiritual well being. This health promotional concept has been identified as the most appropriate response for the complex health problems that are challenging various countries for the development of a comprehensive approach to the health care needs of their citizens. This process of health promotion involves health education, development of personal skills, specific disease prevention and health protection.

As you all are aware, the specific disease prevention and health protection is offered through our Immunisation programmes. We are proud to have our immunisation coverage for various diseases well over 95%. However, we cannot be complacent hence, the Portfolio, together with the Department, have organised the first National Immunisation Week in order to enlighten and underscore the importance of immunisation and to catch up with the few defaulters that we may have.

At this point in time our Health Department is reviewing the feasibility of the introduction of a new vaccine to protect our children against Hepatitis B. The prevalence of Hepatitis B is not high. At this time we are only protecting health care workers who are at risk for this infection as it is transmitted through blood. Hence offering protection to everyone against this disease might place the Cayman Islands well ahead in its prevention. We will be making this decision before the end of the year.

We are also considering the introduction of a chicken-pox vaccine as soon as it is licensed in the United States or in the United Kingdom. It is presently available in Japan but it has been our policy, for the introduction of any vaccine or any medicine or equipment that it should be in use either in the United Kingdom or in the United States, as we have been users of the Health Care System of the United States due to its close proximity.

The Health Promotion Charter emphasizes re-orientation of health services while secondary care, that is, Madam Speaker, hospital based care, is essential, we need to gear our health services to be promotion oriented and also to offer the services as close to the community as possible.

Our communities are being served through our district clinics, our primary medical care, Immunisation Programmes and School Health Programmes and other primary health care services as well. We are planning for the development of comprehensive community health centres in the districts. We propose to have West Bay and Bodden Town Community Health Centres completed by December of the next year at an approximate cost of \$600,000. The East End Health Centre will be completed in 1996, and the North Side Health Centre by 1995, at a cost of around \$300,000 each.

The project will be managed by the Public Works Department and we are proposing for each Community Health Centre to have facilities for a waiting area for up to 20 people; provisions for a reception area; two doctor's consulting rooms; counseling room for social workers and nurses; dressing rooms; medication room and a laboratory. It is intended that minor laboratory work can be done in the districts.

We propose also, that the Social Worker and Public Health Inspector should use the Community Health Centres as the base for their district activities, thus enabling the communities to have easy access to these services. The Social Worker in the districts will be able to liaise with headquarters and offer the appropriate service that is necessary. Once these Health Centres are ready for operation, it is our intention to increase the frequency of doctor visits depending on the need and the demand. We would like to see, Madam Speaker, unnecessary travel to the George Town Hospital curtailed for the benefit of our elderly and their families, for whom the travel may be burdensome.

The Health Promotion Charter also calls for the empowering of the communities for their well being. It has been my view that while Government has a responsibility to offer and provide the services, it is the responsibility of the individuals in communities to utilise those opportunities appropriately for their well being. With that concept in mind, we are planning for the development of community health clubs in the districts. The concept of these clubs is for the community to form a health club and Government will assist in providing minimum equipment to be utilised by the members.

The centre can be located according to the wishes of the club members - whether in the Town Hall or the Community Centres, or any other building that could be utilised. The proposed Community Development Officers of the Social Services Department and the part-time Community Health Promotion workers can assist in the functioning of these community health clubs. The clubs can organise their health education activities, fitness programmes in their districts, and the Health Department staff will assist in technical guidance and professional advice.

I would like to emphasise to the House and to the country, that unless the responsibility is fully taken over by the community and they feel comfortable to take charge of their needs, the programmes will not be successful. We will endeavour to take appropriate steps to assist the communities. In this direction we are in the process of recruitment for the post of a Health Promotion Officer which I hope will be completed by the beginning of 1994.

With the support of the Pan American Health Organisation (PAHO), whom we have been in close contact with, we are planning to strengthen our staff's skills by organising local seminars, workshops and support for overseas training. A Caymanian nurse will be undergoing the training in dialysis management - a three month course beginning in December of this year. Two nurses will be undergoing neonatal training in Jamaica beginning this month (November), and this will facilitate strengthening of the local capabilities for the care of the new born.

We are planning to organise an Advanced Cardiac Life Support Course for doctors and other health care workers during the last week of November - this month, that is. All these programmes are being funded by the Pan American Health Organisation.

I had some discussions with the representatives of Pan American Health Organisation, and World Health Organisation (WHO) representatives, stationed in Jamaica, regarding technical support for the development of our Drug Rehabilitation Programme. The proposal, in principle, is sent for consideration and approval to Pan American Health Organisation Headquarters, in Washington where the details will be developed. The project will be worth around US\$10,000. In addition, Pan American Health Organisation has agreed to support our training programme to the tune of another \$22,000 next year.

I would like to place on record, the sincere appreciation of the Cayman Islands Government, to the Pan American Health Organisation, and its agencies, for their support and assistance. As I have said, Madam Speaker, it is a policy of mine and Government to work closely with the Pan American Health Organisation and get whatever we can from their expertise.

Recently, the medical laboratory facilities in these Islands were reviewed by the consultant from the Caribbean Epidemiology Centre, commonly known as CAREC, and we are in the process of implementing those recommendations. The consultancy was at no cost to the Cayman Islands Government. As mentioned earlier, we are fortunate to have high levels of immunisation coverage and to be free from most of the communicable diseases. However, we have our own problems. We do get some two to three cases of tuberculosis each year indicating that there is transmission of this infection in the Cayman Islands, indirectly indicating that there might be more individuals carrying the germs but not having the disease at present. The only way we can get to it is by increasing our levels of vaccination coverage by the BCG booster, for which every effort is being made.

Another problem we face is that of sexually transmitted diseases, including AIDS. There is no vaccination, as we all know, and these are the behavioural diseases. The Health Department cannot control the behaviour of individuals, we can only provide information and, fortunately, in our Islands there is no shortage of information. So the only way of controlling, or eliminating these diseases, is by the self-regulated behaviour of all individuals. Until such time we have to live with the problem. However, we will continue in assisting the HIV infected, and the AIDS patients in their management, irrespective of their financial capabilities - we offer free medical care to all these patients.

I would like to underscore the importance of imported diseases. We do get three to four malaria cases imported from the Central American countries, and we are fortunate to contain these cases without causing any outbreaks. But because of the presence of the mosquitoes which are capable of transmitting malaria, whenever a case is reported, collaborated efforts with MRCU, through intensified spraying operations, resulted in containing the transmission locally.

We have the potential of importing yellow fever and dengue fever, and facilitate local transmission with the imported Aedes Aegypti mosquito. I am pleased to inform the House that appropriate steps have been taken to monitor the occurrences of any such case and, so far, there is no evidence of any such importation.

Madam Speaker, we have to be vigilant of travel from Central and South America as there is an epidemic situation of cholera in that area. We have been advising our travellers to those countries through leaflets, about the precautions they have to take during their travel and steps to be taken upon return, through alert cards. We have also instituted surveillance mechanisms of identifying any case if imported. Again, fortunately, we have no cholera cases.

There have been some gaps, Madam Speaker, in our food safety programmes. Presently the Portfolio is streamlining those activities and recently the Pan American Health Organisation was instrumental in developing a draft model Food Law applicable to the Caribbean. We are reviewing it and appropriate legislation for our food safety programmes will be brought to this House in the near future. While we have been successful in our food safety programmes, lack of legislation is causing some practical problems, and I hope to rectify that situation within the near future.

Similarly, Madam Speaker, there have been practical problems in regulating health care provisions in the Cayman Islands, such as the licensing of health practitioners and private health care facilities, and so on, due to the lack of appropriate regulations. While we survived without the regulations for many years, as noted many times in this House, the need is increasingly becoming evident for their development because of the many places involved with the handling of food - some even on the streets - and the Portfolio is reviewing the situation at this point in time.

We have agreed that there should be an increase in work permit fees for nurses and the Portfolio has agreed, awaiting on general Government's approval, for a fee for the licensing of private health care facilities which come into the country and, more and more, we are getting applications for some private health clinic or another. It is time that we charge an appropriate fee. Madam Speaker, I have just about three other areas to cover very briefly.

THE SPEAKER: Would you take a suspension at this time?

HON. W. McKEEVA BUSH: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:33 A.M.

PROCEEDINGS RESUMED AT 11:52 A.M.

THE SPEAKER: Please be seated. Debate continues.

HON. W. McKEEVA BUSH: Madam Speaker, before I leave the health sector, I said earlier that we were placing much emphasis on the Public Health Department and Public Health Services. I would like to put on the records of this House Government's appreciation for the work that has been done by Nurse Josie Solomon and the other nurses within that Department. I believe I can safely say that Nurse Solomon took that Department from nothing and made it into what it is today. She is a very hard and diligent worker, and she wants to see things done. I would like to put that on the record - Government's appreciation of her.

Madam Speaker, I want to move now to the Water Authority. The Water Authority will continue to provide its customers with the quality service they deserve and will continue to seek ways in which cost can be minimised so as to prevent the need to increase prices. So far this policy has proven successful as there has been no price increase since January of this year, and none is planned for next year (1994) either.

The year 1994 will see the completion of the Pease Bay Water supply extension and with it will come at the end of a six and a half year period of continued and intensive water supply development. A final investment of some C\$17 million will provide a piped water supply to the whole of George Town and all districts between the George Town cemetery and Midland Acres to the east of Pease Bay.

There is the possibility that savings from the Pease Bay Water supply extension will be utilised to provide a limited piped water supply to the district of East End, water for the scheme being provided from the ground water well field that is already in operation. At the time the well field was constructed in East End it was intended that the water produced would be used to supply East End. Unfortunately, at that time funding was unavailable and the previous Government would take it no further. The Honourable Member for Agriculture, Communications and Works has now raised the matter and has petitioned the Water Authority to carry out the scheme. I am in agreement and it will just await the agreement from Central Government. When I say that I am in agreement, I mean that as the Chairman, I am in agreement.

The West Bay Sewerage works will continue to be monitored for signs of deterioration. No rehabilitation work is planned for 1994, however, it may be that some concrete protection work will be necessary in 1995. Work has commenced on the initial planning and feasibility of a possible project to provide sewerage for George Town. This work will continue in 1994, during which it is expected that a Feasibility Report will be produced. It is not expected that a decision with respect to the provision of George Town Sewerage infrastructure will be made until 1995, but the facts remain that this town is in serious need of sewerage infrastructure and we will be pushing in that direction.

At the end of this year it is estimated that the Water Authority will have assets to the value of C\$29 million. This will increase to approximately \$30 million by the end of next year. These assets will be matched by loans of approximately \$23.3 million. Despite these large commitments, however, the Authority is quite able to meet all its expenses included in which is a fairly large contribution to Government, in this year alone (1993), of an amount of \$700,000 - being reduced to \$500,000 in 1994. The amount is reduced in 1994 as in this year the Authority commences to repay a major loan that it has with Canadian Imperial Bank of Commerce.

I would like to extend my thanks to the staff of the Water Authority. I think, even with criticisms, they are doing and have done a good job.

Madam Speaker, as you all know, since July 1993 the Department for Labour has become a part of my Portfolio. For 1994 there are several goals for the Department - expanded on site inspections to include, as a minimum; one visit to each hotel, condominium and restaurant; and, increased random inspections of other establishments; a minimum of quarterly visits comprising at least eight man days in Cayman Brac; and semi annual visits comprising four man days in Little Cayman.

Expansion and refinement of the Job Employment Register - included in this effort will be the procurement of audio visual aids for job applicants, covering such areas as how to complete the job application, how to prepare and present themselves for job interviews, employees' responsibilities and work ethics, among others. There will also be expansion of the Job Employment Register to cover the Sister Islands. We are going to develop and implement a manpower development strategy aimed at providing employment and advancement of Caymanians in the work force, including the preparation for employment of a significant number of those persons who might otherwise be considered to be unemployable. This particular matter has already had some exposure and, as I have said, we are attempting this next year, God's willing.

Madam Speaker, within the Budget Members will note that tagged along with the increase in three-year work permits is the opportunity for the upward mobility of Caymanians in the work place. I think, this is the way to go and we will see how this works out. I am prepared to give it a try. Unemployment is not a big problem right now, yes, there are people who are constantly looking for jobs, people who sometimes already have a job, others who do not have any and, the Department of Labour is doing all that they can. As I said in one newspaper interview, "We are taking a different direction." Manpower development is the strategy.

Madam Speaker, there was talk about taking off stamp duty for Caymanians building homes, rather than the rich developers. Well, I, for one, agree with the 10% reduction because, as a Realtor myself, I know that the sector is undergoing some pressure since the introduction of that measure. I believe that it will. From what I have heard from prospective buyers from all over the world, 10% can mean a lot whether we believe or not. If we think that investors just have millions of dollars in some basket waiting to come to dump it down here, we are sadly mistaken. It does not happen that way and 10% of a particular project



can mean the start of it, or not to start. So, Madam Speaker, let no one be so misguided to believe that investors just have billions of dollars to give up to Cayman. This Government has said we need to encourage investors.

Having said that, Madam Speaker, when it comes to the matter of Caymanians building homes, this Government has been very blessed in getting very large sums of money for housing and we have agreed on a scheme. In this scheme we are going to guarantee up to 35% for Caymanians to get homes. So, Madam Speaker, who could ask for more? Government will guarantee up to 35% to any Caymanians who are capable, if they have a job and are working, they will be able to have a home to live in. So no one can say that this Government is not looking out for our own people.

In sports, Government intends to continue with the philosophy of sports for all, through which it shall seek to promote good health, to discourage the misuse of drugs and to encourage spiritual growth and social development. It is the intention to continue to promote this philosophy through public education and by working with and through families, and youth voluntary community organisations. Emphasis will continue to be placed on the After School Programme. Efforts will be made to secure private sector involvement through a time release programme in which employers may release employees with special skills to assist with the after school programmes in sports.

Government will continue to provide grants to National Associations to assist them with their programmes. We shall continue to encourage summer camps. The past summer camps were very successful, with over 300 children being involved. Remember that this is the first year, for several years, that the summer camps have been restarted and Government, together with the private sector, sponsored these summer camps. We intend to complete the covered stands at the Ed Bush Sports Centre in West Bay by February, 1994. This facility shall be the venue for this zone in the Shell Caribbean Cup Football Competition in March, 1994. You will remember that under the previous Government that game coming here to Cayman had to be shelved because of the lack of facilities.

Madam Speaker, I am happy to say that work has started on the Bodden Town School's playing field and, I think, the upgrading of the Savannah School playing field has been completed. I want to put on record, Madam Speaker, in connection with the Bodden Town School's playing field, our gratitude to His Excellency the Governor's gracious Lady, Mrs. Monica Gore, for having Rotary Central give us the lights for the Bodden Town School's playing field. Madam Speaker, these lights will arrive on the Island within the next two weeks and the Bodden Town School's playing field will be upgraded.

I must also place on record our thanks to Caribbean Utilities Company (CUC) which has given us all the poles for that field, including the East End playing field. I am hoping that by the end of this month, and at least by the middle of December, the Bodden Town School's playing field will be completed. That is to act as an interim until such time when the purchase of the property by the Bodden Town Civic Centre has been completed. We have given the go ahead for the purchase and some funds are in the Budget for the start up development for that field for Bodden Town.

The programme is to have facilities suited to every district, as we are doing in West Bay. The East End field is being developed and I am trying to put some facilities, as I have said earlier, with lights on the present field in East End so that it can be used for night games and practices.

In this year's Budget also, there is money for the Breakers playing field which will be upgraded next year and the East End field will continue to be developed during 1994. The final phase which comprises seating accommodation, changing rooms, and toilets shall be undertaken in 1995 for the East End and the new Bodden Town playing field.

Madam Speaker, Government is committed to the development of a National Sports Complex to cater, not only for our local athletes, but to be used by international athletes as well. Planning of the first phase of this facility shall be started in 1994, and I am hoping that this is a project where I can get some private sector involvement. There have been some small donations, and, I might have said this earlier, we hope that the National Sports Complex's Phase I will be completed in 1996. Hopefully, private investment will see all of the phases completed by 1997, God's willing. It is envisaged that upon completion this facility shall enhance tourism development.

In closing, who can doubt the sincerity of our purpose, or that we have served our people well? Who can say there is a lack of hope? Anyone so saying, Madam Speaker, is indifferent for the progress made over the previous years and indifferent for the progress made this year, perhaps ignorant to the positive plans for the future.

I believe there is a new frontier. Over the years this economy has been transformed and it has done well. But it is time to move on. This Government is further transforming this economy to the needs of a modern state with much more modern facilities capable of surpassing the most credible competition.

Madam Speaker, we are cutting fees, taking measures to make immigration performance better, we are plugging loopholes in the real estate markets - all this will enhance investors' confidence with the development of three-year work permits for those in the financial industry. We have heard that we are going next year on strong marketing campaigns to enhance the tourism dollar and open our financial centre further to the world, informing them that it is much better in the Cayman Islands.

I believe, and it is my dream, that we can become, in terms of business, the Hong Kong of the West Indies. We will supply the needs of the ordinary people of this country and give them more opportunities in all aspects of this society, educational opportunities as well being the main, and we will govern this country with restraint where we need to and we will govern this country adhering to the rule of Law.

If, perhaps, some latter day self-proclaimed champions awake from their long slumber through the working day, rise up now to gather their fruit from the trees that they did not plant, let them never forget those thousands of ordinary Caymanians who have planted the trees, and it is they who

must gather the fruits. For, who can stifle the spirit of the Caymanian people? Who can stop their march to progress, and who dares take away from us that which we have waited for these many long years?

There are many of our people who have planted the trees and have not gathered the fruits. That is why I have decided on a new direction for the Social Services Department. That is why we have committed large sums of money to all the social services, and will commit more if it becomes necessary, so that those in this country who have gathered the fruit will share with our old people and indigents for this is, indeed, the highest and most noble of every human society.

Madam Speaker, is this not the lesson which was given to our Christian society? Who now dare quarrel with the great Architects of the universe? To the progressive forces throughout the Cayman Islands, to those who stand for human freedom and fullest development of our people we offer our full cooperation and continued services. For those who want to be Opposition, they well now know that they can be treated as Opposition. But let us all realise that our struggle is a common one. The bonds which hold us together as Caymanians, are much stronger than our differences. Come, then, let us reason together. In spite of mistakes we have served our people. We have saved our people from the pitfalls which plague and have overtaken other human societies.

We are a small country. Yet, Madam Speaker, we must be thankful that we have come a long way but realising our task is not yet over. There are still obstacles to overcome, there are still new lands to conquer as we embark out on a new journey to this new frontier - the 21st Century. What we have embarked on for the future is new and challenging. We will need the support of all our people everywhere, Madam Speaker, that is why we cannot forget the common man - the little man - who put us in this House, rich and poor alike. But let us never forget, where we need to offer assistance to the little man, let us do it. We need the support of all of our people everywhere, particularly we, in this Parliament, who are representatives of the people. This is not the time, no time at all, Madam Speaker, to talk bad about our country, about the Cayman Islands being dead. Where is it dead? Rather, the times are challenging and I say, full speed ahead! God save the Cayman Islands! This is a challenge to all Caymanians and to all who live and work within our boundaries for the responsibility of nation-building is a national commitment and must be shared by all of us - Opposition and Government alike. So, Madam Speaker, I believe truly and firmly believe that with the help of Almighty God, the God of Abraham, Isaac and Jacob, and our God too, we will overcome.

Thank you, Madam Speaker, and of course, I support the Appropriation (1994) Bill 1993.

#### THE SPEAKER:

Before another Member rises to continue the debate, I must draw attention to Standing Order 63(2), which says: "On the motion for the Second Reading of an Appropriation Bill, debate shall be confined to the financial and economic state of the Islands and the general principles of Government policy and administration as indicated by the Bill and the Estimates."

I must also ask Members to continue to take cognisance of the other rules of debate regarding relevancy; to avoid repetition of their own or other Members' arguments; to avoid the use of offensive or insulting language about other Members; and not to impute improper motives to other Members. Thank you.

The Second Elected Member for Bodden Town.

#### MR. ANTHONY S. EDEN:

Thank you, Madam Speaker. I rise to speak on the Budget Address delivered by the Honourable Financial Secretary. This is my second debate on a Budget Address. To me there has been a marked improvement and quite a dramatic turn-around from where we were a year ago. I refer specifically to the Honourable Third Official Member of Executive Council in his interpretation and assessment of the Budget, when he said: "Looking back at 1992, we can see that we have managed to gain considerable ground with regards to reducing both the size and rate of growth of the deficit." And he continues: "It is the first time in three years we have seen such a significant reduction." Madam Speaker, this makes me feel good because we know that previously things seemed to get out of hand in these our Islands where the spending seemed to be on a wild horse.

To me this is something that this Legislature, along with the people of this country, should be proud of. When we see, not only around us, but around the large countries of the world - the G7 countries - the gloomy predictions that they have, the stagnation of their economy, how it has stalled, and yet, in one brief year, because of financial prudence and by the leadership of our Executive Council we have seen a dramatic turn-around and a slow down of the wasting what seemed to have happened in the past.

When I read in the papers some of the critics saying that we should not blame the last Government for the \$16 million of accumulated deficit towards the end of 1992, I am not going to sit here and take blame for the deficit that had accumulated. As far as I am concerned, they have no right to try to tell us what to do or to criticise us because many of these people were in a position to help this country and did not seem to do so. At the end of 1992, this country seemed to have been at the brink of financial disaster. Now they have the nerve to say that we should not blame them. I am not putting entirely all the blame on them, but I am not going to accept certain judgments that were made in the past, and say that we could not do something about it.

Looking at the Financial Sector's performance as outlined by the Honourable Financial Secretary, I note that there was an 18% increase over the same period last year, that is, in loans and advances made in the financial industry. In his overall observations, creditors and borrowers appear confident in the present and future financial health of the economy. This is heartening to see that things have stabilised within the industry and there is such an increase in financial activity to the tune of 18%.

I would now like to look at tourism. Thank goodness for tourism

because during this year, if it had not been for this, because of the slow down in construction and other industries within the Islands, we would have been in a very difficult shape if it were not for the dramatic turn-around and increase in our tourist arrivals.

I think a lot of this credit goes to the new system and the way that the new Member has tried to develop new strategies. I know it has been said that it takes a while for these strategies to take effect, but my position on this is that strategies that were utilised prior to 1992, we saw the results that in the last two to three years there seemed to be a continuous decline in tourist arrivals. Whereas, starting in the first part of this year, it seems that there was a continual spiral, a continual increase in tourist arrivals. I must say that I give a lot of credit to changing the strategy of marketing our services - telling the people what is good in the Cayman Islands. I think this is something that we should continue to do. Also to tell the people and to emphasise the relative safety that one can find in the Cayman Islands as compared to other destinations. I trust the Honourable Member will continue to explore other avenues to promote these Islands.

There has been a certain slow down in the construction industry but I feel that this is now being addressed. Certain directives have been given as there were many complaints as to the bureaucracy and red-tape and extreme frustration that we found at the Planning Department. These problems are now being addressed. I feel that the public will soon see a difference. The streamlining, the creating of one guideline - where one person says everything to whomever needs service, and not different stories. I hope that as the new year comes in that the frustration will be alleviated for people who do propose to do building and construction in these Islands. This will help in a large way.

One of the concerns that I see here under the Labour Market is the decline of the percentage of Caymanians in the work force. I think this is something that we need to address and, wherever possible, to utilise more Caymanians. I think this can be done, starting at home in our own Civil Service, that wherever a position becomes available that we consider Caymanians for these positions.

With regards to revenue, it was heartening to see that the return on that increased by almost 1%. There was a definite improvement over 1992. As mentioned by the Financial Secretary, the identification of other revenues as brought in evidence by the Auditor General, it is amazing how some of these things went by without being picked up for so long, that such huge sums of money could be owed to the revenue of this country. I trust that whatever action needs to be taken will be done expeditiously to collect these sums. I am sure that this will improve the financial stability of these Islands.

While I am on that, with regards to the Audit Office, I wonder if there is a possibility that reinstating the Customs Internal Audit Section could be considered, seeing that Customs duty is, as far as I know, the largest contributor to the general revenue of this country. I think that this was a very effective unit. I know that it has now been transferred to the Audit Office, but when we are looking at over \$60 million in revenue, it would be a good idea to keep a close tab on this and do the work necessary to keep it efficient and effective.

Another positive observation in this Budget Address is the reduction - almost cut in half - of the 11% of Government spending in 1992. This is quite a credit to this Government and I hope that this continues to go forward in 1994.

This Government has, and is, taking certain steps to stimulate the economy. These have been briefly outlined in the Budget Address and, with your permission, I would like to bring these, once again, forward so that the country may know some of the steps being taken.

"1) The Government has put forward a "Draft Medium Term Development Plan" for 1994 through 1996 for discussion and possible adoption in early 1994.

2) Prioritizing projects on the Public Sector Investment Programme; using more profitable capital investment projects to fund the non-revenue generating projects; introducing more revenue enhancement measures; further improving revenue collection methods; and further reductions in Government spending have all been considered as valid ways of improving public sector financial performance.

3) Reduction of stamp duty tax on transactions on real estate sales in excess of \$250,000."

Many of the real estate people said that when this was put in, the big purchasers literally stopped buying land because they were discouraged. As a matter of clarity, I was speaking with a gentleman last night who was a bit confused on this and he thought what had happened was that we took the 10% off of the \$250,000 and that valuation under that, the 10% had been put on. I told him that that was not so, that the 7.5% figure was now one flat figure for all of the Government transactions.

"4) At the present time, the Government, in consultation with the Private Sector, is reviewing other fees and charges with a view to proposing amendments in an effort to further stimulate overall economic growth. In particular, company fees are being examined."

I think this is something that we need to look at urgently, and not only the fees, but what I am made to understand is that in the British Virgin Islands, the Government requirements are not as stringent as what we have here, that is, the filing of returns and the holding of annual general meetings, but I am sure that this will be looked at and a comprehensive package will be brought to this House in readjusting and getting Cayman back in the front of the financial industry.

Number five, I think, is of real importance:

"5) To ensure that the voice of the Financial Industry is heard in all matters of legislation and policies affecting their operations, Government has reactivated the mechanism by which frequent dialogues now takes place on a monthly basis through the Government/Private Sector Consultative Committee."

Madam Speaker, as we all know, communication is the name of the game. When there is a failure of communication, problems come up and there is a break down.

"In addition, the Government in consultation with the financial industry, commencing in 1994, will be holding a number of conferences, both overseas and locally, to keep the minds of the international financial community focussed on the unsurpassed attractive qualities of our Islands such as social harmony, an economic risk free environment, and political stability for which these Islands have become renowned." This emphasises what I said about keeping this in front of the international financial world to let them know what can be done and the safe environment in which they can do business in the Cayman Islands.

One of the reasons that I feel that we were successful in reducing our deficit was that this Government did not employ the constant use of consultants. Just about every time you turned around there were consultants coming in for this and that, and I wondered if the last administration suffered from "consultantitis"? (Members' laughter) Millions of dollars went out of this country that, with the brain power that we have here, not only sitting in these hallowed Chambers, but in other sectors of the financial and different parts of the country, if only we had tapped into that. Most of the time these consultants are going to tell us the same thing that we already know. I feel sure that this has been one of the great savings on this country, the lack of employing these so-called consultants.

I note that there has been approximately a 17% increase in company registration over 1992. I know that the Registrar said that he would be working at this area to improve the turn-around service to the public and I think this is evidenced in this increase. As said by the Honourable Financial Secretary, there was, on average, an approximate 12% of economic growth which came from the financial industry. I think this shows that the confidence is coming back and people are willing to come here and spend their money and invest. I hope that this trend will continue in the new year.

With regard to improving the revenue of this country, three areas have been looked at and they are; the travel tax on air passenger departures; cruise ship passenger arrival tax and on work permit fees. Once again, these revenue-earning measures should not drastically affect the basic Caymanian on the street. The increase on the work permit fees, hopefully, will not go down to that of the domestics and those on the lower scale, but only on the upper part of management and administrators, secretaries and nurses.

There are plans for major Capital Development Projects planned to start in 1994. I note with interest that a major part of this expenditure will go to the education sector for further development of the Community College; the added classrooms at the Red Bay Primary School; also at the West Bay Primary School, and I know that there has been ongoing assistance to two schools in my district, namely, the Bodden Town Primary and the Savannah Primary.

Also, there is a planned improvement on the George Town Hospital, with new clinics in West Bay and Bodden Town. There will be substantial road improvements in the various districts. In the new developments throughout the Island, I see that there will be a new road corridor opened up in the vicinity of the Harquail Theatre, and I hope that something can be done to also relieve the congestion of the incoming traffic from the Eastern Districts. As I said last year, I still think that in the mornings, coming down, an extra lane could be added to the left side of the road and in the evenings it could be switched around for traffic coming out, to speed up the traffic coming into town in the early morning.

THE SPEAKER:  
Luncheon suspension?

Honourable Member, would this be a time for us to take the

MR. ANTHONY S. EDEN:

Yes, Madam Speaker.

THE SPEAKER:

The House will be suspended until 2:15 P.M.

PROCEEDINGS SUSPENDED AT 12:54 P.M.

PROCEEDINGS RESUMED AT 2:18 P.M.

THE SPEAKER:

Please be seated, Debate continues.

MR. ANTHONY S. EDEN:

Thank you, Madam Speaker.

When we took the break I was about to go on to touch on some other areas that have been brought up in the debate on the Budget Address. The first one that I would like to look at is the concern that some people have had with the reduction in the Civil Service. As we all know, most of the people in this country have always had concern about the growth of the Civil Service, and most of the other administrations talked about the possibility of reducing its size.

Under this new Government action has now been taken as is evidenced in this sitting of the House. When we were told that the distribution of gratuities was being abused, this Government took the lead, they took the bull by the horns and decided that at this stage the buck must stop here. I feel that there can still be a further reduction in the Civil Service by Caymanianising certain posts in the higher

echeion as they become vacant and as our Caymanians are trained - I think it is only fair that they be given the opportunity to serve in this position which, down the line, could be still more multiple millions of dollars of savings to this country.

Another concern is that of the continuous spiraling rise of insurance premiums in this country. We have talked about it and I am made to understand that something will be done. The problem is being addressed. We have to take some action because many of the young home builders that are coming up today are being deterred, it is becoming a financial burden on these young people to find funds to cover the huge jump in the premium rate. I know that there has been a hue and cry with regard to the billions of dollars that have been paid out because of recent disasters and catastrophes. But, I pose the question, what about the billions of dollars in premiums that have been collected over the last 30 years?

At this stage, in these islands, many homeowners are now willing to take the risk of dropping their insurance because it has become such a burden. I ask the powers that be to do something about this so that this country may get some relief.

Madam Speaker, the next thing that I would like to look at is that in the recent Tourism Awareness Week, and I am not sure if it was an oversight or not, but, there were certain awards given out to previous Members of Executive Council and I noted with concern, and several people have asked me to express this concern, that one of the Members seemed to have not been mentioned and that was the late James M. Bodden. For whatever reason, I would like to ask the question, who else has done more for tourism in this country? He was also instrumental in pioneering the industry of the subdivision which allowed young Caymanians to easily purchase a lot of land on which they could build their homes.

The next subject that I will touch on is that of the Public Accounts Committee. I am a Member of the Public Accounts Committee and I know that there were some concerns with regard to the Report. But, Madam Speaker, I feel that we were doing our job in looking at the background of some of this and trying to see that our people were not being taken advantage of. Madam Speaker, I am asking these companies to please have the conscience, and to please consider a reduction in rates in view of the economic stagnation that this country is now going through.

There are other companies out there that are having a very difficult time, they are having to down-size, they are having to cut staff, and their margin of profit is probably in the single digits. One area that I quickly looked at was the reduction of rates by Cable and Wireless to Cayman Brac. We know the economy over there - as rough as it is here in Cayman, the rates between here and there - I feel sure that the islands off the southern coast of Florida, the Florida Keys, probably share the same rates as the mainland.

Madam Speaker, I would now like to look at some of the things that will take place in my district of Bodden Town. I was very happy to see some of the things that have been placed in the Budget. I am sure that this House can bear me out that for the first time in nine years the district of Bodden Town will now see some Capital Expenditure. There will be a district clinic, which we badly need. The Bodden Town play field will be upgraded and lighted. We have been told that the land adjoining the Civic Centre, which we have been working on, has been purchased so that we can enlarge that and make a proper facility.

The Channel in Bodden Town, there is provision in there for its development. I have been made to understand that the people have been waiting nigh on to 30 years for this, and I am grateful to the Honourable Member responsible for Tourism for having this included. The acquisition for the land to correct the bad turn that goes unto Northward Road, this was badly needed, and I know that there are a couple of ladies in that area who, once the land has been acquired and that road has been corrected properly, are willing and able to put efforts into cleaning up that area and probably putting some flowers and trees to make it more palatable to the eyes.

The extension of city water to the district of Bodden Town and into Midland Acres and, if it is at all possible, and if the funds allow it, this could also be extended into the little town of Breakers. There has been continued work on the Bodden Town and Savannah Primary Schools. There has been an excellent job done on the play field at Savannah. I would like to thank Mark Scotland and other people from the Public Works Department who worked on this and to thank the Honourable Member for Health and Human Service for seeing it was done in such a fine fashion. This is really a credit to the district. I know that as soon as is possible the crossing in the area of the Bodden Town Primary School and the Savannah School, during the time in the morning between 7:30 and 8:30, and 2:30 and 3:30 will be for a 15 m.p.h. pedestrian crossing for the school children, as seen in the United States. Just a couple of mornings ago, I saw a young child in one of the cross ways and I could not believe a car was coming and it would not slow down to allow that child to cross. It is just a matter of time before we have a serious accident in one of these areas where the schools are so close to the road.

We are grateful for the continued upgrading of the Savannah Post Office and, as far as I am aware, work will soon be done to try to upgrade the Bodden Town Post Office which is, and has been, in a dilapidated condition. If some facilities could be provided to help at the Breakers distribution point, I would be grateful.

Government's thanks to the Honourable Member for Education and Culture and Aviation who has been willing to assist the Bodden Town Primary School with funds to purchase a bigger school bus. For this we are grateful. I also note that for the district of Bodden Town there will be some road work down through Belford Estates and some other feeder roads as funds are available.

Through you, Madam Speaker, at this time, I would personally like to thank the Honourable Member for Agriculture, Communications and Works, for the fine manner in which he worked to help us with the Civic Centre at Bodden Town. That structure was previously like a white elephant. It was of no use to the community. If you went in there you almost could not breathe. But thanks for his assistance we were able to take funds that they planned to fence the area with and air-condition this building. It is now a credit to the community and I anticipate that in early 1994 the MLA's office will be opened in this Civic Centre.

In closing, I would like to say how this Government has turned around the Country, and done so without increasing taxes to the local people. We can compare this with the last two years of the previous administration when over \$20 million in new taxes were instituted. I think that this was quite an accomplishment in our first year in office, Madam Speaker, to do so well. I feel that with the confidence of the country behind us, and in working together, we can continue to bring forth and forward these balanced budgets under the prudent management of our Financial Secretary.

Thank you, Madam Speaker.

#### THE SPEAKER:

The Second Elected Member for George Town.

#### DR. STEPHENSON A. TOMLINSON:

Thank you, Madam Speaker. I believe that this nation should be relieved considerably, after hearing the Budget Address delivered by the Financial Secretary, the Honourable George McCarthy, last week on Friday the 5th. Compared to November 1992, our Government is far better off financially, and this has happened because of frugal fiscal policy. I take very little credit for this, but I know for sure that many persons have been working extremely hard, especially those in Executive Council, to ensure that we did not have a runaway type of economy as we had been experiencing.

I believe that we can all feel justifiably proud of the Budget that has been presented. I believe that this will continue to happen if the new fiscal policies, even those that have been outlined, are followed for the coming years.

I would like to refer to the state of the economy in November of last year and compare that with the present state. To make it quite easy, I will read from the Financial Secretary's Budget Address in March of this year when he said: "Based on economic projections that were made, total revenue anticipated in 1992 from local sources was estimated to be \$124.6 million. The amount actually collected as at the end of December was \$120.4 million, which means that we fell short of our expectation by \$4.2 million." Then he went on to say:

"As in 1991, 1992 proved to be another year when local revenues raised were essentially used to fund recurrent and statutory expenditure, without any contribution being made to capital expenditure. For 1992, recurrent and statutory expenditure amounted to \$124.6 million, exceeding recurrent revenue by \$4.2 million, as previously noted. Capital Expenditure amounted to \$16.9 million. The recurrent deficit of \$4.2 million, when added to capital expenditure of \$16.9 million, meant that the cumulated deficit for the year, before accounting for financing of \$13.2 million, amounted to C\$21.0 million. The net cumulated deficit carried forward into 1993 was \$8.0 million."

What is the situation now? In a matter of a year we have a situation where the recurrent revenue collected, or expected to be collected, is \$133,775,043; the recurrent expenditure is \$116,478,817, and all of this has been clearly outlined on this synopsis of the Government's financial position that was handed to us by the Financial Secretary. Other financing, non-recurrent \$17,492,563, when added to the recurrent revenue, that is \$151,267,606. The bottom line here was in excessive revenue and other financing over recurrent and non-recurrent expenditure of \$8,009,059. The Capital Expenditure for 1993 amounted to \$7,686,006. On lending to Statutory Authorities for Capital Development, \$825,897, when added to the Capital Expenditure is \$8,511,903. There is a short fall then of \$502,844.

That is a much different position than in November 1992, when we had such a huge deficit. So, as a result of Government's prudence, we are now in a much better financial position and we certainly trust that this continues to be the situation.

The one important thing which needs to be mentioned here, is that approximately \$7.2 million of the monies that went towards the Capital Expenditure came from recurrent revenue. In the previous year, no money from recurrent revenue could go towards Capital Expenditure - because there was none. There was even a significant short fall in the amount that was anticipated to be collected. So there is no doubt in my mind, and there should not be in the mind of anyone in the public, that this Government has been much more frugal, much more prudent and that the financial position of the Government in November of 1993, is a lot more healthy than it was in November of 1992. That is what we set out to do and we have done it, and we can all feel proud of that and continue our efforts for the benefit of these Islands.

I would like to go through the Budget Address and just highlight those few things that seem to take up my attention more than others. I like the statement made on page 3, "The continued growth and prosperity of these Islands has and will remain this Government's number one public policy priority." We cannot go wrong if we follow that. On page 4, we notice that the global economic growth for 1994, is expected to be between 2.4% and 3.5%. We know that the global economy has been very, very sluggish with many of the developed countries in recession. But we know too, that the predictions for many of these developed countries are certainly very, very heartwarming, and it is believed that many of them will be recovering in 1994/1995. We certainly hope that this occurs in the United States with which our economy is so closely tied.

Going on to the Domestic Economic Development, we noticed that in the financial sector things have been very, very healthy and robust. There have been loans and advances amounting to more than \$711 million in the second quarter, and it is true that deposits have not been as expected, but it is thought to be due to the low interest rates and, as this changes, that too will no doubt change.

The Honourable Financial Secretary has made mention that the Federal Reserve is predicting a slight increase and with that we should see more activity in this sector also. In the first three quarters of 1993, inflation averaged 2.2% as compared to 2.3% for the same period in 1992. So that too has been diminishing and has had positive effects on the economy. I would like to mention that at this point in time

it is common knowledge that there has been deflation in prices in the United States, and I believe that this should have a very positive impact on our economy. There has definitely been a deflation in prices noted there throughout 1993. With us importing the majority of our goods from that country, one should hope that we would see the benefit of that here.

Our tourism has been very, very buoyant. The air arrivals are up significantly, the figure quoted here is 18%. Cruise ship arrivals are about the same as it has been. We all know that this has been due to a number of factors, nonetheless being the aggressive marketing policies of not only the Government but many of the resorts we have here, Government has certainly taken the lead in this, and it has stepped up its marketing policy. We have also been told that we will try to diversify our marketing and I understand that in 1994 one major promotion is planned for Europe. I think it is very important for us to reach out and diversify the marketing so that we do not depend as much as we now do on North America. We should consider promoting tourism in Europe and in other areas of the world to enhance the industry locally.

We all know that construction has taken a licking in 1993, and we have heard this from other Members, so I will not go into it in detail. Of course, the easiest thing to do is to blame the Government and I know that the Opposition would not hesitate in the least to do this. But there is always a cause and effect, and it is important to try to know what is going on with regards to construction or, for that matter, any segment of the economy that is suffering. Many, many reasons have been given.

In the Budget Address the Financial Secretary told us that there has been a glut in the real estate market, and more people are buying real estate rather than building. We have heard it said, I think by the Leader of Government Business, in September, that he thought perhaps all the controversy regarding the constitution played a part in the slow-down of the construction industry. I know that at a conference I attended in Massachusetts earlier this year, some professionals asked me if it was true we were going independent. I am sure that it has played a part in investments locally but, with that behind us now, hopefully, that will not continue to play the negative part that it has played, if any.

Also, some people have blamed it on the recession in the United States and Canada. Many reasons have been given including the bad-mouthing of Government. I do not believe that we can hope to build an economy if we have a great percentage of the population saying adverse things, especially when they are untrue, about the Immigration Department, and about every other department. We need the support of the people in the country, whether they be in the Government, the Civil Service, or whether they be in the private sector. For, as we stand united and present a positive picture to foreign investors we will probably get more business.

There is always this cause and effect. For instance we know that stress can cause hypertension, but hypertension can cause stress. I am reminded of the story of the light sensor. The housewife noticed that the light constantly went on and she wondered what was causing the problem. Somebody blamed it on a short. Somebody blamed it on a frog jumping on the wall. Another said it was the wind causing the light to go on. Another person even said it was becoming more sensitive to duppies. But in the end, the electrician said that he forgot to tell her that he installed a surprise unit when he installed the light sensor, so that it would come on at certain times throughout the 24-hour period. We know that economies, generally, the most economic performance follows certain cycles. Whatever the reason for the slowdown in the construction industry, I think it is important for us to try to find out what has caused the slow down and to address it.

Things could not be as bad in our economy, however, as many people make out. If anybody watched the telethon the other night, in a matter of a few hours I believe more than \$50,000 was donated. So, I do not believe that things are that bad. Yes, some people are hurting, some small businesses are having to tighten their belts, and so on. But, I do not believe that things are generally as bad as some of those complaining say it is.

I received this letter, which I thought was very inspiring, coming from the realty industry. It is a market report. It says that.

"In our last report we predicted an end to the downward movement of prices, and expected a leveling of prices for 1993. What has been the overall outlook? The above is exactly what has occurred, the bottom of our trough was hit in late 1992 and early 1993 and, although deals at good prices continue to be made by purchasers all the way through 1993, the demand is now beginning to exceed new supply, depending on the season, and prices are beginning to firm. Why is that happening here when other areas in North America and Europe are still in recession? Many people will say that the effects of the recession are beginning to lessen in their home areas. As for Cayman, there are several reasons: our market is relatively small and it does not take much of an international nudge to give our market a head of steam; pricing in most of our property categories at present is only 12% to 15% above what it was back in 1982. Considering all of the infrastructure that has been built since then, this island can support a much higher increase in prices. U.S. and European Governmental moves towards new taxes have added new incentive for getting money offshore. The vast increase in name recognition for Cayman, due to the cumulative effect of institutional advertising by the resorts and airline, has led to a tourism figure which is up 18% to 19% over the same period last year."

This is a very positive thing. The real estate market is beginning to boom. The Financial Secretary is right, there has been a glut and now it is starting to level off and, in fact, the supply is not even there. It seems like it is the easiest thing in the world to sell a two to three family house here now in Cayman, and then on the upper end of the scale it talks about how much activity has been going on in the Condominium market, sales of condominiums - very expensive ones at that, four sales in the \$1.2 million to \$1.6 million range - very, very active. This does not sound to

me like an economy that is in terrible trouble.

A very positive letter here, and this is one of the well known doing, most of the Newsletters and Market Reports will look the same.

The Labour Market: In the Budget Address we see that the number of Caymanians in the work force has decreased. I took this a step further. The actual numbers of Caymanians employed have increased despite the fall in percentage. As the economy expands, more work permits are given. The rate of the issue of the work permits outstrips the rate of increase in Caymanians being employed. That is what has happened. Therefore, all of the bad talking about Immigration, we know how false that was earlier in the year, about them wanting to axe work permits and trying to discourage foreign investors as much as they could, and frighten all of the residents and expats from abroad. We know that that has been completely inaccurate, and I think the Director of Immigration did have a meeting and cleared all of this up. There have been so many more work permits issued because there is a demand in the economy. So, although the percentage of Caymanians has decreased in the work force, the actual numbers have increased. However, I would like to see the percentage, although that is a personal matter, stay as high as possible.

On page 13 of the Address, it is mentioned: "It is hoped that by gradually reducing its role in the economy Government can improve its financial position, without substantially increasing the tax burden to the public and still provide incentives for private sector led growth." This has come under heavy criticism by the Opposition. But, in my opinion, this is the only prudent thing to do. Should the Government forge ahead and plummet into financial disaster, and then everything goes on the rocks? Many unfair and inaccurate things have been said here in this debate. If one did not know what was in this Budget Address, one would be led to believe that the Government is not doing anything to stimulate the economy, and the opposite is happening. The Government, in 1994, proposes to spend \$20 million in Capital works. That is a very significant contribution to the local economy.

So, the Government is doing as much as it can, but we never promised anybody that we were magicians. We are doing as much as we can to improve the economy - \$20 million is a significant amount of money to inject into the local economy. So the Government is not taking a negative role, it has taken a very positive role and I would like the private sector to realise just how much the Government is doing and, perhaps, match what the Government is doing. Some of these businesses can afford to do so anyway.

I already spoke, very briefly, on Recurrent Revenue for this year and the Recurrent and Statutory Expenditure. It is certainly very encouraging to see what Government has been able to obtain in one short year. I can only wish that it continues to do as well in the forthcoming years. On page 17, the various fiscal measures that are being considered for implementation, these all have my full support. In particular, this prioritising of projects on the Public Sector Investment Programme. I think one of the things that happened here in the past year in the Cayman Islands was that there was a mad rush to get everything done at once. With an economy like ours, with just the few people that we have on a small budget, it is absolutely impossible, and we have to continue to prioritise what is absolutely needed and stick to it. We cannot go running off in the middle of Government's tenure and perhaps get tempted to do everything that we would like to get done. Yes, we would like to have a number one road system throughout the Islands, we would want to have the very best hospital in the world, all of these things are what we would like. But, we are also very realistic and we have to stay within our budget and do those things which are absolutely essential. Then let us continue to prioritise our projects.

I would also encourage Government to continue meeting with the Private Sector Consultative Committee. I think that that is bound to produce many, many fruits. I understand that so far this has been very, very productive and many ideas are being put forward as a result of those meetings. It is very important that the private sector and Government are kept abreast of global developments and the world economic picture and to take advantage of what is going on in the international scene. We know, for instance, in the United States there is probably going to be the signing of the North Atlantic Free Trade Agreement (NAFTA) and with that it is going to have certain effects in this region and worldwide. I can see it providing many more jobs in the United States with the economic and manufacturing know how. I am sure that that country will prosper, there will be many more exports going to other countries such as Mexico and Canada. With a boom in their economy, I can see us having the spin-offs here. No doubt we will feel the effect of the boom in the United States. Some of President Clinton's policies, with increasing taxation, are bound to have certain effects here too. So we need to understand what is going on in the international scene. These kind of joint consultative committee meetings not only will appraise people of what is going on in the local scene, but also on the international scene.

We know the Asian Pact has been signed, and surely they are looking, as the United States is doing, towards the single unit European system now because there is going to be a fusion there in the European Economic Community. Not only is the United States looking at the economic opportunities there, the Asian Pact is doing so, and what can this mean for a dependant territory? We need to know, and keep abreast of all the activities worldwide on the international scene.

We enacted the Mutual Funds Law this year, and I believe the years to come will certainly show the fruits of this Law. It is already working well, I understand, and with certain adjustments it will probably work even better.

I go on now to the revenue enhancing measures, and we see here that there are three main ones that Government has proposed; an increase in travel tax in air passenger departures; the cruise ship passenger arrival tax and the work permit fees. While I endorse these, I think it is very important for our Government to look towards new revenue-generating sources. This does not come easy, but I have some suggestions to make and I have not had time to discuss this with the Government in detail as yet, but I believe that as a result of brain-storming and, maybe, with this joint consultative committee, we could come up with even more ideas that could be implemented. We know that there are amazing new technologies every month that

will drive growth industries during the 1990s. We need to look at these new technologies to see if any of these can be implemented here to our own advantage and, as a result, Government might be able to get more revenue from some of these. We need to consider because if we are going to enhance our revenue it is not just collecting more revenue, but sometimes saving, we have to look at those measures. Therefore, we have to look at how Governments with tight budgets manage their travel expenses. I do not believe that anyone would think that I am insinuating anything here, but it is very important that if you are going to maintain a tight budget that you consider all areas where you might be able to make a savings.

I have been reading with interest about the "Why Vision", the philosophies of the 70s and 80s, and it is making a dramatic comeback now and perhaps we should start looking at that here too. There are organisations that find painless alternatives to massive layoffs. One needs to be very, very ingenious to try and find out how one can stave off layoffs by implementing changes within that organisation; how sophisticated market research means greater profits for more business; how we can profit from the economic down-turn - because, sometimes, you can actually benefit from an economic down-turn, especially if you are a small country like ours just next to the United States; how entrepreneurial Governments are cutting costs by focusing on and getting back to the basics. The private sector and Governments need to step up their drug abuse programmes. Everything needs to go hand-in-hand, in my opinion, because if insufficient money is spent on these programmes in the long term it becomes quite burdensome to Government.

The incredible buying power of the country's minority groups, in particular some of the Jamaicans and Hondurans in our midst. Government's financial challenge of the decade, in my opinion, is putting a lid on some of the compensation costs that have had to be handed out here too.

The turmoil in Eastern Europe and how the dependent territories might benefit from it - we can actually benefit from even getting very qualified people to work amongst us, very educated and very qualified, and some of them believe that they know English a lot better than we do, and we need to explore it - new ways for Government and the private sector to make money from frequent customer plans.

Then, in the private sector, if we continue to promote and give incentives to the private sector, as has been started by Government, and I would like to particularly mention the Economic Council that the Government has formed - I understand that that is off to a good start - this is the kind of thing that we need to be brainstorming with the private sector. I understand, too, that very soon the Financial Secretary, and perhaps others, will be going to New York to sell our Islands as a premier financial centre. We have to constantly promote what we are if we are going to continue to thrive.

The global telecommunications for the 90s is something that I have always felt very strongly about. I believe in the area of telecommunications that there is a lot of money to be made, a lot of savings to be made, right here in these Islands.

Recently I was talking with the Minister for Communications about our telecommunications system and I am going to mention it here, now. He was very explicit in explaining to me that there is a franchise that we have with Cable and Wireless and we have to abide by that franchise. But, I believe that many of these franchises and monopolies that have been given in the Cayman Islands are working to our detriment, and I can support that and I will stand firm on my conviction. Some of these franchises are working to our detriment. Although I am not saying that the Minister for Communications can do very much about it, or should do very much about it at the moment, we know that we have to stand by our previous commitments. It is my honest opinion that some of these monopolies that have created within the Cayman Islands are certainly working to our detriment.

We know that the call back systems, for instance, that are in effect internationally are perfectly legal in other countries and could save consumers in this country so much money. But, because of the franchise that we have with Cable and Wireless, we cannot touch it - and to me that is not good. We cannot give Cable and Wireless any competition because of the franchise. If we try to do anything, they will pull our plug. I do not think that this is necessarily good for the consumer here in the Cayman Islands.

Then, we could encourage looking at amazing interactive technology because, whether we like it or not, this is going to be invading our homes and offices in the very near future - networking, formatics, teaching aids for adults and children, so much that can be done outside of the Community College - and as a result will stimulate the economy and bring us some money. How transgenerational design trends will reshape consumer attitudes here in Grand Cayman, and how companies can benefit from it; how some companies cash in on children's needs, too; and cashing in on medical advances as they lift the amazing biotech industry.

Recently we have been talking with potential investors here and I hope that something comes of those talks. It is a bit premature for me to go into the details, but, certainly, the Cayman Islands is very attractive to investors and to the pharmaceutical industry - those types of pharmaceutical industries that will not pollute the ground water of our Islands in any way. We should follow up these talks because I can see it being a source of revenue for the Government and the Islands in general. Why the retail industry feels pressure after non-stop growth; how the rental industry fills non-traditional niches; how the robust meeting with convention industry spurs business opportunities? My opinion is that we should follow up soon one of the items in our Manifesto about a Convention Centre. We need one fairly badly here in the Cayman Islands and I believe that the private sector could go ahead and build a convention centre and we could certainly make a lot of money from hosting conventions here in the Cayman Islands.

How the disabled will impact Companies and the Social Service's Budget? We need to look at that. I am cognisant that the Honourable Member for Health and Human Services is very busy looking at that at the moment. How business schools are reinventing themselves.

I could go on and on, but the fact is that there are so many ideas and so many things that we could start looking at. We can join up with the private sector and I think the

Government can take a leading role in spearheading seminars and the proper forum where these things can be investigated and, as a result of that, you will see many, many things start happening in our economy. How, for instance, a single market Europe will affect the economy of the United States and, as a result, ours. How safer food demands shake up the food industry. Pocket phones, even that is big business now in some parts of Canada. How stylish eyewear is taking off, and cashing in on the cosmetology industry especially for males. That is another thing that we could investigate - once failing when power industries shows new promise. All of these things, there are so many things that we could investigate, so many things that we could take a look at. I am not saying that all of them could be done here at once, but it is amazing what happens when one starts to brainstorm.

This one here is very, very important to Cayman - how desalination technology can be made more efficient. By applying more efficient technology locally we can, in fact, end up making the service a lot more efficient and the next thing you know the consumer will end up paying a lot less for water. Prospects of employee leasing, and this is a booming industry in both developing and some of the developed countries.

These are just some of the ideas that I thought I would share, and if you look at these, Government would get some money as a result of some of the business that will be generated from these and many people in the community will find that they can make a living from these.

The other area that I believe that we can get some assistance from is by tapping the European Economic Community itself. I understand that right now our Deputy Financial Secretary is in Dominica and he is investigating that very fact. He is meeting with representatives from the European Economic Community and trying to find out what assistance the Cayman Islands can get. We know that we have a very high per capita income, and I believe the European Economic Community has statistics that are perhaps a bit outdated, even when it comes to our per capita income. They could be fed with some new statistics and perhaps we would qualify for some aid that now we do not qualify for.

I have in my possession here a very, very informative journal from the European Communities and it is very enlightening the amount that they are willing to do for the overseas countries and territories. I believe that the Government has been looking at some of this, like I said, and I understand that the Deputy Financial Secretary is now at a meeting trying to investigate this. I certainly wish the Government the very best in their attempts to get aid from the European Economic Community. We always feel that we do not want hand outs, but you know, it is my opinion that if the Turks and Caicos and other overseas British Dependent Territories are going to get aid, then we may as well get some too. In the area of development financing, many of the things that we are trying to promote here they are willing to give aid and assist us in. I really do not want to go into the details here, but it is a journal that most of us have. I believe that the Government is moving in the right direction to tap the European Economic Community.

There are other things, too, that I have been looking at recently. I have here from the Royal College of Physicians and Surgeons information regarding Lennox Laboratories and the investment that they would like to make in countries like ours. They have gone ahead in the Bahamas and made a major investment there, something like \$25 million, in establishing laboratories, already making Herbvail 8, Herbvail Tonic, Lennox I, Lennox II, all kinds of medications or remedies. They would like to investigate the possibility of setting up a similar operation here in the Cayman Islands. I know our labour force is small, but there certainly is no shortage of ideas and opportunities for us here in the Cayman Islands.

Recently, too, I was talking with a businessman who said that perhaps we should investigate and start talking business with Sutherland Auctions. I understand that they auction collector's items and masterpieces in art. I understand that they also - I was going to say something, but - they will auction almost anything and I believe that it is worth pursuing; that we should try to find out if Sutherland International would like to set up an auction here and get them here. Let us do some business. They auction off English Titles, like "English Lord of the Manner", "Barons of Ireland", "Knights of Malta" - anything - they will auction it off. Who knows, we might have a very, very tempting and alluring title here that we would like to auction.

Madam Speaker, I would like for us to take residency fees into serious consideration. I believe that the Government is also thinking about this. I do not think there are any plans afoot to implement it, but I believe that we can make money from residency fees and I do not see that residents will be up in arms. If it is going to mean a better country to live in, less crime, less drugs, I think they will pay, and we should investigate it.

I mentioned some of the things we could do in light industry, pharmaceuticals, film industry, documentary films. Right now, I understand that there are more airline seats than hotel and condominium rooms here in Grand Cayman. I understand that very soon they are going to need more hotel rooms if we are going to keep the airline business healthy.

Yes, our roads, we need improved roads, we need the infrastructure. Perhaps it is time to start considering at least one more hotel here in the Cayman Islands.

I would like to mention too, the importance of enacting health insurance. We know that the Government has taken the Health Services under its wings again. We know that health is a very expensive commodity. This Government has curbed health care costs significantly this year. Last year the cost was approximately \$14.8/\$15 million. This year, 1993, it is down. It is down because of decisions made by the present Government. We also know that we are faced with problems of collecting delinquent bills. Once the hospital is back under Government's umbrella, the problem is going to escalate. Unless we have our health insurance in place, what we have gained we could easily lose. I am very happy to hear that the Member will be bringing this Bill to the House in February of next year, along with other Bills which will restructure the councils that are concerned with the registration and also the disciplining of health professionals.

I also think that we should take a look at temporary work permit fees. We have considered work permit fees, but it is for the one year/three year work permit fee. The temporary

work permit fee has not been changed at all. Many people, I know, come here and they work three weeks every month and they pay \$100 for a temporary work permit. They do that for 12 consecutive months and pay \$1,200. A one year work permit costs \$3,000, and they are getting away with blue murder. I believe that we should start to look at temporary work permit fees.

One or two Members of the Opposition seem to indulge or revel in the thought that the cut in the Civil Service did not have a positive effect because personal emoluments have gone up tremendously in 1994. The Financial Secretary explained to us yesterday that we have taken the Health Services back under Government and we now have to pay all of the Health Service personnel. This is the reason why personal emoluments have gone up. Over all, cutting the Civil Service has been a savings to Government, and making it, hopefully, more efficient. It has been a savings of at least \$2.5 million to Government.

Madam Speaker, I would like to see various Government Departments straighten up and fly right. I would like to see Planning improved. I get numerous complaints from my constituents about Planning. If we are going to develop this country everybody has to be on the ball and those people in Planning have to produce. It is as simple as that. I would like to see Immigration become more effective. I understand that they are improving and I know that the Ministers in Executive Council have been working very hard to see that they do what they are supposed to do, but we have to be competitive, now more than ever.

We have the British Virgin Islands, Turks and Caicos, the Bahamas, Bermuda, and we have to be competitive and those departments have to function. So I would appeal to those departments to do their work and to be very effective in carrying out their duties so that we can continue to prosper here in the Cayman Islands.

Madam Speaker, the Budget is a healthy Budget. It is a magnanimous improvement over the 1992 Budget and previous Budgets. The Government has done an enormous job in one year, to at least get us to where we are now. I would like to know that this will continue and that next year when I stand up here I can even be saying better things about Government's performance. I wish Government every luck in continuing their duties in helping this country to grow into what we want it to become.

Thank you.

**THE SPEAKER:**

Official Member like to wind up?

If there is no other Member who wishes to speak, will the Third

The Third Elected Member for George Town.

**MRS. BERNA L. THOMPSON MURPHY:**

my input on the Budget Address.

Thank you, Madam Speaker. I am very happy to be able to offer

and excitement. I feel that with the effort and cooperation of the Financial Secretary's Department and Executive Council, and also with the help of the Backbench, that clearly, efforts to curtail expenditures have been positive and successful. This does not just happen, but with our cooperation I believe it has been very effective and that we will continue to work in the coming year as well.

Civil Servants have also helped, I believe, in working to make sure that expenditures have been cut back and that there has been a savings and they have also worked hard as well.

When we look at the 1992 Budget and compare it to 1993, we realise how broke Government was. We, the National Team, I feel, have kept our promises in that we promised to be prudent and that we would make sure that proper management took place when we were elected and we have kept to these promises. Next week, I believe, we will be sharing with the nation what we have accomplished - and I will not go into great detail about the things we have done over the past year because I would like to keep it for next week - so, through you, Madam Speaker, I would like to ask the public to be patient and listen for next week's National Address by the National Team.

Government Expenditure increased faster than revenue before we took over, and I am happy to see that this time the revenue growth has been more successful than the previous year. Government had to finance the short fall and we know that it is very difficult to catch up with any back payment of any sort. We, as individuals, have difficulty catching up when we fall behind in payments, the same is true with Government.

I wonder why the previous Government even had a budget? Where was their control and responsibility? But, through hard work and effort to clean up this past year, and it is the first year, I believe, that we have had a very healthy budget. The short fall of \$502,844, I believe, is a fantastic accomplishment. Again, we have credibility and, with the turn around, I believe we will continue and the Government will have more creditability in the next year as well.

Turning to some of the issues and departments. I believe another Member touched on Cayman Airways being on the verge of collapse. But I would like to congratulate the Member, the Honourable Truman Bodden, who, with his ability and his cautious action, has got everything under control. There are still financial problems, but not to the extent that we faced in 1992 when he took over. I would like to reassure the public that as far as this Government is concerned, we will continue to make sure that we do have an airline, but that it is run and managed properly.

In the down sizing of the Civil Service, we had a savings of over \$3 million (in just proper management) in going back into Government buildings with no rental and all the costs involved. This is a very big savings even though other Members said that it was not. But anything that saved is well worth the time and the effort.

I believe there should be better collection of revenue and the

methods should be looked at perhaps. I know that the Financial Secretary is looking at this, as we made recommendations in our Public Accounts Committee.

should be grateful for this.

Inflation was held down and I think the residents of these Islands

year. I hope that it will continue. I would just like, through you, Madam Speaker, to thank all the people in the tourism industry for their time and effort in making sure that our tourists are treated well. But, I would also encourage them to make every effort in taking advantage of training and any type of enhancement programme that is offered in this sector for the people at our Ports, Customs, Hotels, Taxis, Restaurants, whatever they have, and that when something is offered in the area of advancement and training that they take advantage of it, so that the people coming to our shores will benefit, and that the services will be in place for the prices that they are paying.

Not only in the tourism industry, Madam Speaker, but I believe that Caymanians should take advantage of training in all sectors. We must not have a false sense of complacency, as the Financial Secretary warned us, not only in our Budget, but also about our Islands, in making sure that all the services are in place that we can offer and make it a better place to live. I believe that Government is committed to balancing its Budget, this is very important.

I was very pleased to see that the Pension Fund has been established and is being managed and that the actuaries are reviewing this fund. Our elderly should retire and die in dignity and comfort. Times are tight for everyone and a good retirement must be planned when taking care of our elderly.

I am very happy to see that the Private Sector Consultative Committee has been reactivated and I know - because I served on this for two years, that one of the reasons why Cayman is so successful is that the private sector and Government have always worked well together.

New revenue measures of \$5.8 million to be raised, I think this past year the Government struggled. But, I think it is important now that revenue measures be looked at; that we must have good management, and that Government has obligations to our people, therefore they must see the reason for these revenue measures.

Our Capital Projects of almost \$20 million, I was very pleased to go over these with the Government and see that there is money being injected by Government into the economy with construction for our roads, our schools and various projects.

During the past several months, several people have called or made representation about the problems with the Grant given to the Catholic School in the previous Session of the House. They wondered how we could find money for a private school, yet we could not find funds to finish off the public schools, the needs of the Red Bay School and the George Hicks School. So I explained to them, and I would like to do so again because there is some confusion or misunderstanding there, that it was a lot cheaper and better to grant \$150,000 for the next three years to a private school to have our children in school, then to find those funds to build, which would cost more, and to have a little competition with another school in developing a high school, and that people would have a choice.

Private school vouchers in the United States are becoming very big. I have been reading about this, and there are about seven States - and New York was the last state to join in this. The Mayor is giving private school vouchers so that children have a choice. They can go to public schools if they do not want to go to the private school. This is, more or less, what we were doing here. Not that we were giving them a voucher, but that we were putting in place the building - or helping toward the building - so that people could go to a private school if they preferred.

Again, I think the Member for Education and Aviation has been so busy with Cayman Airways that Education is now beginning to take precedence and that he is concentrating on getting the education system up to par and finding a new external examination that benefits our people and something that will work in our community. But, again, I would ask for patience from our people so that he can get our education system properly in place and it will be something that we can all be happy with.

Certainly, the buildings are going to be worked on and extensions for all schools, and, having visited most of the schools, I believe that this is very gratifying and will be very beneficial to all of the children.

Coming to Roads. In the district of George Town I am pleased to see that we will be getting a new road beginning at the Harquail Centre, from West Bay to the Airport. This is very, very important. If we can begin this project early next year that will help with the traffic, not only for going towards the Airport, but it will also help, I believe, in the centre of Town as well.

I am happy to see that the dock in South Sound will be completed and that will be finished off so that boaters can take advantage of that pier and have some place to park their trailers while out boating.

We also have the acquisition of lands for the Community College for George Town. One thing that the other colleagues and I in George Town are working on, is to have an After School Programme for our children implemented so that we can have some of our children off of the streets after school so that they are not just latch-key children going home letting themselves in and taking care of themselves until an adult is able to supervise them. We are working with some of the churches and other schools to, maybe, get this programme implemented. I believe the Member for Health mentioned this in his debate, that this has been working in West Bay and it is very effective. So we are working on this for the district of George Town as well.

Unemployment. Before the general election and after for about six months there were a lot of people out of work. For some reason they looked to the Elected Representatives to

help them find a job. Through our office in George Town, we have been very successful in helping to place unemployed people. Not that we were really elected for this, but that is part of it as well. Now there is just but a handful per month that are looking for jobs. So, I believe that unemployment is down as well.

Construction is down for large projects, but homes are still being built, sales are on the increase and we can look forward to additional construction for homes beginning shortly in the new year. With the low interest rate, and with the low cost housing that Government is prepared to guarantee - up to 35% in the Low Cost Housing Scheme - then I believe that more people will get their homes and construction will be on the increase.

**THE SPEAKER:** Will you take a suspension at this time, Honourable Member?

**MRS. BERNA L. THOMPSON MURPHY:** Yes, Madam Speaker.

**THE SPEAKER:** The House will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3:45 P.M.**

**PROCEEDINGS RESUMED AT 4:03 P.M.**

**THE SPEAKER:** Please be seated.  
Debate continues. The Third Elected Member for George Town

**MRS. BERNA L. THOMPSON MURPHY:** Thank you, Madam Speaker. Earlier another Member touched on property insurance and I, too, would like to mention this. Through you, I would like to assure the public that Government, like the private sector, is also paying large sums of money for property insurance. The public should be relieved to know that a task force has been set up to study this matter, and I am sure that shortly the Honourable Financial Secretary will give us an update on the progress of the task force and let us know about the rates of property insurance and how Government, as well as the public, will benefit from this task force making sure that the rates are reasonable and affordable.

With Agriculture, I was pleased to see that almost \$500,000 has been devoted to Agriculture in enhancing and making sure that, while we will never be self-sufficient, things can grow in Cayman. My family, when I was growing up, lived practically on everything that my father grew, and it is not easy - there are lots of bugs and insects, and so forth, and the soil is not all that great - but, it can be done. I am pleased to see that there are funds in the Budget for the Agriculture Department.

Looking at the Stamp Duty and trying to stimulate the real estate industry, I am pleased that it has now gone back to 7.5% on all transactions. Not because it is over \$250,000 does it mean that investors, or people that are purchasing property over the \$250,000 have lots of funds and that they will be able to pay 10%. I think with the representation from the real estate sector and working with the Financial Secretary that this is a good move and it will help the economy and get real estate flourishing again. I am thankful for this reduction and we should not be negative, as some of the other Members were, but I think it will benefit investors and locals alike.

I am also pleased that Government has the intention of making legislation for non-registration of land transfer documents, because I feel that this is something that Government is losing on and there needs to be stricter control and proper legislation for this to be managed so that funds are collected in relation to land transfers.

There are a lot of projects that we would really like to have in our Budget this year, but, due to funds - I think we are fortunate that we have \$20 million for Capital Projects for this coming year - there certainly were no Capital Projects this past year, due to our inheritance. But we can look forward now to the future. As they say, time heals and takes care of everything, and I believe that with our feeling positive, and with patience, support and faith from the public, that the Government can move forward and we can provide the services, and monitor the way that our Government is supposed to go and to move out, to go forward and to make a better place to live in.

Thank you, Madam Speaker.

(PAUSE)

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. It seems like, involuntarily, I have become the night watchman. I will try to keep my wicket so that no one else has the bat for the evening.

Madam Speaker, as I rise to make my contribution to the debate on the Budget Address, before I go into any detail, having read the Estimates, I would first of all like to personally offer my congratulations to the Honourable Third Official Member. He is certainly a gentleman in whom I have great confidence. I would also ask him to pass on my sincere appreciation to the other members of his staff who, I am sure, spent many long hours in putting together this Budget that has been presented before us.

Madam Speaker, in the presentation of the Budget Address the Financial Secretary, from the onset, quoted a small section of the 1993 Budget Address where he said: "while continued economic growth and prosperity in these Islands must be Government's number one public policy priority, we must be aware of the challenges that we must face." From an overview of the Estimates, I think not

only is that a fair comment, but I would have to say how true the statement is.

As he went on in his address the Honourable Third Official Member made mention of the growth in our standard of living and, over the years, his words to describe it are: "it has, therefore, taken us to unparalleled heights in this region". His very next statement, I beg to quote, because I think it is a very important statement. He says: "It is at this height that we may develop a false sense of complacency." Madam Speaker, it is my opinion that that same false sense of complacency is what may have put us in some trouble in the very recent past. I only repeat his statement to say that while history proves that it repeats itself, let us try to ensure that it is a very long time before it repeats itself in this instance.

The Financial Secretary states, "In short, the road towards economic development, for which these Islands are renowned, has not been an easy one." Madam Speaker, as a sort of preamble, if we look back, historically we will find that the Caymanian way of life has not always been an easy one, and it has not always been one that allowed for the type of life-styles that our people now enjoy. There was much effort, much hard work and many people are to be thanked for their contributions over the years in bringing this country to where it is today. I think as we are going into the Budget and looking over the various areas of it, it is very appropriate, not only for the Legislators in this Honourable House, but for the people in general, to be very mindful that what sometimes takes much hard work to achieve can disappear overnight by any level of negligence. So, it is important for us, at every level in this country, to maintain the utmost levels of integrity, to continue to understand that nothing comes easy and to ensure that we pass on to our children the right ways in which they must fill their place in this society.

As the Financial Secretary continued with his Address, he said that "the Government must be in a financial position to respond to the changing needs of a growing population. Health care benefits and social programmes aimed at preventing and correcting the physical and social ills of our society can only be afforded through prudent management of public sector finances." Madam Speaker, I have to hand it to the Honourable Third Official Member, because it is so aptly put and, having repeated the statement made by him, I find it difficult to say anything more about it. But I thought it was worth reading again, because it is very important that we understand where we are, and it is very important that we understand where we came from, and it is very important that we understand where we are going.

I sometimes get illusions of grandeur and think that maybe one of these days we may not have to worry about tomorrow. But, unfortunately, life does not allow us those luxuries anymore and it becomes important - and here we are now talking at a national level - it becomes very important for the leaders of the country to ensure that in their management they plan for the future.

Within the realm of the statement that I just read from the Financial Secretary, he mentioned health care benefits and social programmes aimed at preventing and correcting the physical and social ills of our society. I am very mindful to pointedly make serious requests of the Government Bench that in their deliberations, I know that everything cannot be done at once, I do accept that, but, I would like to see that health care benefits and social programmes are given top priority when it comes to their policy-making and their implementation of programmes during their tenure.

Having spoken generally, let me just say that I am not here to suggest what is right or wrong about what health care programmes that were attempted to be put in place in the past, and whatever is being worked on now. I think that we can get into that level of debate whenever a new one is presented to us - hopefully a national health care programme - but, I would daresay that every one of us here fully realises now that the country cannot go on in that area in the random way that it has been continuing. Too many people find themselves not being able to receive proper medical attention. Too many people are finding themselves not being able to afford it, and whether there are some proponents to the school of thought that a national health care system is not in the best interests in this country or not, I daresay that it has been proven everywhere else that it is the best route to go. The fine tuning can come from the policy makers. But, in general, we must have it if we intend to be able to display to the people of this country on a whole, and to the little people that I keep hearing about, if we intend to display to them that we are going to look after everyone, this is the route we have to take. I would hope that as time goes on, in the not too very far distance away, we will hear about such a programme.

Madam Speaker, as the Member continues in his address under the section that he terms "International Economical Developments", he outlined to us the various global problems that the world still faces economically. I think that all of us understand that because we are so heavily influenced by outside forces, that our success, unfortunately, depends a great deal on the success of others. Without quoting some of his statistics, it is fair to say, as I repeat one sentence of his delivery, "Prospects for economic growth in the industrialized countries are less promising than previously expected and the signs of a strong recovery in 1994 remain tentative." Therefore, Madam Speaker, while in general we are expected to be very hopeful about the immediate future, economically, I think that we still must realise that we have to crawl before we walk.

So, as I stand this evening, to be fair I would not be able to jump all over this Budget and find a million things that are wrong. I would speculate that no budget ever made was perfect, and I am sure neither is this one. But, as we, the Members in this Honourable House, debate the contribution by the Financial Secretary, I think that it is in our best interest to deal with it at a level where we can find in our own minds what we think may be better alternatives, where necessary, but if something is on, let us leave it on. We will just have to give the Government time to produce what they have put on paper and make it become real. I have to say at the same time that I personally will be watching, as I think it is my job to do so, and I will be examining very carefully as time goes on, the progress that is made.

#### MOMENT OF INTERRUPTION

**THE SPEAKER:**

Honourable Member, it is now 4:30, the moment of interruption.

I do not expect that you will conclude.

MR. D. KURT TIBBETTS:

No, Madam Speaker.

THE SPEAKER:

May I then ask for the Motion for the Adjournment of the House?

#### ADJOURNMENT

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

Madam Speaker, I move the adjournment of this Honourable

THE SPEAKER: The question is that the House do now adjourn until 10:00 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 12TH NOVEMBER, 1993.

**FRIDAY  
12TH NOVEMBER, 1993  
10:03 A.M.**

THE SPEAKER:  
Cayman to say Prayers.

I will ask the First Elected Member for Cayman Brac and Little

#### PRAYERS

CAPT. MABRY S. KIRKCONNELL:

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

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

THE SPEAKER:  
Assembly.

Please be seated. Proceedings are resumed in the Legislative

#### ANNOUNCEMENTS BY THE PRESIDING OFFICER

#### APOLOGIES

THE SPEAKER: I have apologies from the Honourable Member for Agriculture, Communications and Works, as well as the Honourable Member for Health and Human Services, who will be off the island.

Item 2 on the Order Paper is Questions to Honourable Members. Question No. 196, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman. I observe that the Second Elected Member for Cayman Brac and Little Cayman is not here. This applies also to question No. 197, and No. 198. If he arrives after the completion of the other items, the questions might be called.

Question No. 199, standing in the name of the First Elected Member for Bodden Town.

#### QUESTIONS TO HONOURABLE MEMBERS

##### QUESTIONS NOS. 196, 197 AND 198 DEFERRED

##### QUESTION NO. 199

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 199: What are the expected start-up and completion dates of the next phase of the Red Bay Primary School?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODOEN: Madam Speaker, it is expected that, subject to the availability of funds, the next phase of the Red Bay Primary School will start in 1994 and finish in 1995.

SUPPLEMENTARIES:



THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Can the Honourable Member say, what this phase will entail and, also, could he give the House a costing of this phase upon completion?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

Madam Speaker, it is set out in the Budget in detail, but it basically includes four classrooms and the cost that is in there is, I think, \$1.75 million.

THE SPEAKER:  
Elected Member for Bodden Town.

The next question is No. 200, standing in the name of the First

#### QUESTION NO. 200

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 200: What is the procedure by which a student moves from the Alternative Education Programme back to regular High School classes?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

Madam Speaker, the procedure is as follows: Students placed at the Alternative Education Centre are observed by staff for a brief period. Programmes are then designed to implement strategies and behavioural management techniques to remedy and modify the student's problem behaviours so that he/she will be able to be re-integrated into his/her respective school.

Base-line data is compiled from observations made and the frequency and duration of inappropriate behaviour is noted and graphed. After the intervention strategies have been implemented, this process is repeated and any changes in terms of improvement or deterioration are noted. At the end of each term the student is the subject of a multi-disciplinary case conference where all concerned professionals, and the child's parent or guardian meet to develop future treatment and educational programmes. Teachers' reports and recorded data of observed behaviours are considered at this meeting. If it is deemed that the student is ready to begin the re-integration programme, then a provisional time-table is implemented, whereby the student will return to his/her respective school for one series of lessons per week - for example, five lessons of English or Mathematics per week, etcetera.

The student's progress at the school is continuously monitored by both the High School staff and the teachers at the Centre. Any decision to increase or decrease the level of re-integration is then jointly discussed and implemented.

SUPPLEMENTARIES:

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. Can the Honourable Member say if the students in the Alternative Education Programme are given any counselling as part of the programme and also, if this counselling carries over when they return to regular high school classes?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

The answer, Madam Speaker, is yes, counselling is given and it continues.

THE SPEAKER:

The Third Elected Member... In future if Members wish to ask a question do not raise your fingers, could you please rise to your feet and catch my eye? The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

For the clarity for the House, I wonder if the Honourable Member could give us an idea of the subjects that are being offered by the Alternative Educational Programme?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

Madam Speaker, Mathematics, English, Computer Studies, Physical Education and Social Studies, I think.

THE SPEAKER:

Elected Member for Bodden Town.

The next question is No. 201, standing in the name of the First

#### QUESTION NO. 201

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 201: How many children are currently enrolled in the Alternative Education Programme?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

Thank you, Madam Speaker, there are currently 13 children enrolled in the Alternative Education Programme.

SUPPLEMENTARIES:

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. Can the Honourable Member say whether this current enrollment represents an increase in students enrolled in this Programme over the past two years?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

Madam Speaker, the answer is that only by one.

THE SPEAKER:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

I wonder if the Honourable Member could provide a breakdown with regard to boys and girls?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

Madam Speaker, there are 11 boys and two girls.

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. Is the Honourable Member in a position to say how this enrollment is constructed - by virtue of the forms, or the grades the students might come from?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

No, Madam Speaker, I cannot provide that information. But, I am happy to provide it otherwise. I do not have it here.

THE SPEAKER:

Thank you. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

Thank you, Madam Speaker. I wonder if the Honourable Member can advise us as to how long the Alternative Education Programme has been going, and what kind of success rate it has had as far as bringing those students back into the main stream of education?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:

Madam Speaker, the programme has been running for two years and three months, and they have re-integrated, wholly or partially, eight students.

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. Can the Honourable Member say what is the average time spent by these students in the Alternative Education Programme before being in a position to be returned to regular high school classes?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and

**HON. TRUMAN M. BODDEN:**  
to 12 months for the re-integration.

Madam Speaker, this varies. But I am instructed it is between six

**THE SPEAKER:** That concludes Question Time for this morning. We continue with Government Business. Second Reading debate on the Appropriation (1994) Bill, 1993. The Fourth Elected Member for George Town continuing.

## GOVERNMENT BUSINESS

### BILLS

#### SECOND READINGS

##### THE APPROPRIATION (1994) BILL, 1993

(Continuation of debate on Budget Address)

**MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. As I continue my contribution this morning I would like to first of all say that it is my belief that the Mission Statement of the Government of the Cayman Islands should be very simple, and it should say, "Innovation and Improved Efficiency." As we have evolved, and technical improvement in various areas has taken place, the financial industry has become much more complex. In order for the economy to continue to be stable, in order for it to continue to grow at a reasonably accepted rate and in order for it to allow the people of these Islands to retain their standard of living, we must be innovative and we must increase our level of efficiency.

Madam Speaker, I say that not just for the Government, but I think that the private sector, the employers, the employees, and all of us need to stand with a concerted effort in order to maintain the buoyant economy that we have become used to in recent years. I specifically stated what I thought the Mission Statement should be for the Government because, as we look at the Budget Address and we go into the various specific details of the Appropriation (1994) Bill, 1993, we will see that while there are some fiscal constraints at this point in time, Government does have access to proper funding to increase its level of efficiency. So with that in mind I would simply send a message both to Government which includes all of us, and the private sector, that we all need to work in tandem. No one side of the coin can achieve it by themselves and we all need to put our shoulders to the wheel.

Madam Speaker, as the Budget Address continues, there is a section where the Honourable Third Official Member stated, "that 'sluggish growth' on the regional scene has helped to dampen growth prospects. As a result, more regional Governments are looking towards the tourism and the financial sectors to fuel growth. This in essence means greater competition for the Cayman Islands." Those words are quite true, and as we go about our daily business we can see the real effects of that. But, the mere fact that we know that competition is greater from other territories in those sectors, and we must bear in mind that those sectors are basically our life line at this point, as that competition becomes stiffer and we do realise it, then it bears out what I was speaking about a few minutes ago - that it is going to take all corners in order for us to maintain our success level. We must ensure that the price of the product that we sell remains at a competitive level.

We no longer have the luxury of retaining certain monopolistic practices in those areas. Other countries have come of age and, as the Financial Secretary stated, "the competition is definitely out there", and that competition is here to stay. So those people in the financial industry and those in the tourism industry must ensure - and this is not only for our sake but for their sake - that their products and services are sold at a very reasonable cost. No longer can rates be hiked systematically over given time periods, but costs must be retained so that on a whole these Islands remain competitive.

I speak about this, and I may be repetitious in some areas. Madam Speaker, but I think that it is very important that this sinks home to all of us. If we look back at rates a few years ago - once everything was fine - we will notice that rates for incorporating companies, the rates for hotel rooms continued on a spiral simply because everything was fine. We then arrived at a point where business was not at the same level and everybody found themselves in trouble. It is not easy to put yourself up to a certain standard and, once things go wrong, to be able to tighten the belt accordingly. It is not easy to set employment rates at a certain level and then, because the money is not flowing, you have to tell the employees, "Well instead of making \$7 per hour, if you really want the job, I am going to have to pay you \$4 per hour." That is not an easy situation Madam Speaker, because that employee will then have maintained his life-style based on what he is earning then, and it just has a continuing effect.

So, I make the point simply to say that because things are looking up a little bit now - the tourism figures are up, and it seems like the corporate sector is fairly stabilised and doing fairly well - we must not allow ourselves to fall into that trap only to get caught again. I daresay, that while we say that history repeats itself, as I said late yesterday afternoon, there is no need why we should allow history to repeat itself with us - because we know better.

Going on, trying to follow the same line of argument, Madam Speaker, in retaining reasonable prices for our products, the other positive effect that has in the economy is

inflation levels are almost automatically kept at an acceptable state - once everything else is not on a runaway train. So far, in 1993, inflation averaged 2.2%. Madam Speaker, the circumstances that we face as a country today do not allow for us to have an inflation rate that is not within universally accepted rates. We do not have the staying power and we do not have the depth. Our most buoyant industries are very fickle. Therefore, it behooves us not to play with fire. Going along to the private sector and Government working together, keeping our prices reasonable and being able to increase the efficiency of our services - being able to be competitive in those areas - and not be caught thinking, "because it is going well we can raise our prices as we please", which is what happened to us in the past, is what will keep us on the right track.

As the Budget Address states, tourism is up, and I think it is a fair comment to say at this point in time, that God blessed that industry with all the other things that have gone wrong recently. I am not a precursor of doom, Madam Speaker, but again, I repeat, because that industry is buoyant and everything looks nice, please let us not fall into the trap of taking things for granted. Let us be conservative in our dealings in that industry. Let us keep our prices down. Let us improve the product wherever we can, and we will be all right.

The construction industry is, what I may term, at this point in time, a flailing one. But, suffice it to say, I believe that better will come once other areas are stabilised. Investor confidence will grow and people will not be too fearful of not having so much money in the bank, and they will be prepared to go out and employ certain risks with the view to a better return than a savings account or a fixed deposit. This is basically what it is all about, Madam Speaker. During the times of recession everybody tightens their belt, people are fearful of not getting any returns from their fiscal investments. They would rather make less but hold on to their cash - and this is what is happening to us now. It is, in my mind, that simple. I know that the Honourable Financial Secretary might well have a lot more detail to add to what I have just said, but I think the principle will be the same.

Madam Speaker, the point in hand (and we have to keep hiding at home), if we can simply continue to retain the level that we are at - do not get caught in the trap and go foolishly into situations that we have allowed to happen before - in time, the areas that are now almost stagnant will become vibrant. I am fairly confident of that. The investments that are needed in the construction industry, for instance, are not only foreign investors. We now, in these Islands, have local people who have the wherewithal and the expertise to make wise investments in the construction industry. It is just a matter of the Government and the people of the country proving to everyone that we are here to stay.

As the Third Official Member so very wisely put his arguments in his Budget Address, in such very decent chronological order, immediately after the construction industry his next subheading is the Labour Market and, obviously, if the construction industry is down then we have a little bit of a labour problem. Now, Madam Speaker, I am not questioning the validity of any figures here, but my experience in the recent past tells me that while the overall employment rate stood at 5.5% in March, I have seen and spoken to many, many people whom I personally believe may not be within the known figures. I believe that there are many - and I do not want to exaggerate to make the point by saying too many, let me just say 'many' Caymanians who are finding it very difficult at times getting employment.

It comes back down to another sermon that was made some time ago regarding the retraining of Caymanians. I think one of the huge problems that we have today with our own people, and it is no discredit or disservice to them, but as time has gone on and we have enjoyed the luxury of over-employment our people have become used to going into a job, if they did not like that one there was always another one that they could find. The world has changed and all of a sudden there are no longer four or five jobs for one person to pick and choose. We now have a situation where we have Caymanians who have felt the pinch now but they are not qualified for many of the jobs that are available - they do not have that wide range of choice. Madam Speaker, if we do not specifically address that area we can find ourselves as a small nation with no end of trouble. If people cannot find employment the social ramifications can be horrific. It is only human nature that if you are willing to work but you cannot find work, you are not going to starve - and I dare not go on to explain what can happen, I think it is fairly obvious. That is not the point that I want to hone in on.

Madam Speaker, it is not easy for these individuals to understand and accept that there are jobs there but the people who have these jobs apply for work permits to get people in because they cannot find someone local. In that person's mind there is that job, "I believe that I can do it, so they must hire me", and this is where we have the problem. The truth of the matter is that the employer is simply playing it safe because his business must survive and he must look for it to thrive. So, he does not find himself in such a very forgiving state to say that "I will hire people who are of a less quality, and I will run a certain risk in the efficiency level of my business just to employ Caymanians." This is where we are having very serious problems. I know the answers are not easy. I am not suggesting that we can just take a net and throw them all in and get intelligence shoved into their heads or learning into their heads. I understand that it is not that easy. But, I think that it is an educational process that needs to be specifically and very timely addressed.

Madam Speaker, under the sub heading, 'The Government Sector', the Financial Secretary goes on in his Address to say a little bit about Government's role in the economy. In taking a small bold step here, I would like to give a little bit of food for thought. In his address he says, and I quote: "Traditionally, Government has adhered to a free market economic approach with regards to regulating local economic activity. Although this is still so today, Government has expanded in both its size and the quantity of public services it provides. This expansion has been in response to not only the demand for these services, but also to the recession like conditions which prevailed following the Gulf Crisis and has been a means of stimulating local economic activity through job creation. However, high operational costs associated with this expansion has led to Government expenditure growth which has surpassed that of local revenue growth."

Before I touch on the very last point that was made in this

section, I want to go back to the free market economic approach with regard to regulating local economic activity. Madam Speaker, if we examine in the private sector the various categories we will find that today we are faced with two main problems; we have not accepted, as a country, that we want a spiralling growth in our population. So, as a result, the rate of growth of our population has not been one where we increase by leaps and bounds. In the private sector the number of businesses in all the categories has increased tremendously, much more so than the comparative level of the population increase. What this has done for us is once things are not booming we find many small businesses failing. Now, we might not talk about them every day, but I know that it happens, I see it happening, and the basic reason for it is many of our Caymanians, being of the industrious nature that they are, want to better themselves. But the real truth is, they are not very well equipped with knowledge of the market, strategy, and such like that, to be able to get in there and fight with the best of them and, because the population base has not increased tremendously, instead of ten businesses four year ago supplying the needs and the demands for clothing, for instance, we now have 100 and it just simply cannot work.

The point that I am making is that we may well have come to the time when a certain amount of protectionism, in some form or fashion, may have to be employed as a policy. I know that it is not an easy road to travel, for Government to employ as a policy, that for X amount of years there will only be a certain amount of this type of Business Licence being granted. But while not wanting to test, or tamper, with the spirit of free enterprise, are we not doing an injustice by allowing the proliferation of some of these businesses when, in essence, they are only hurting themselves in a very short period of time? Many of the people who get involved are not with great resources and in getting into problems they find themselves in greater problems by losing their houses, etcetera, which were used as collateral.

If we examine other industries, for instance, the construction industry, I hear many complaints from local contractors regarding the many Business Licences that have been granted to people, and as a result you find many of our small local contractors not being able to pick up the jobs that are available. Inevitably we find that this hits home harder whenever the economy is slow. So it is now that we are going to hear about the unemployment more so than at any other time. It is now that we are going to hear about how things are slow in certain areas and it is something that I have not gone through and fine tuned in my mind to be able to say to the Government today, "Well, here is the answer." But I think the relevance is there, and I would like to see Government examine the situation with a view to making real and serious attempts to bring about a fair solution which would not interfere with the way that we have always conducted our businesses.

Madam Speaker, the Budget Address states, and I quote: "It is hoped that by gradually reducing its role in the economy Government can improve its financial position, without substantially increasing the tax burden to the public and still provide incentives for private sector led growth." I would like to go back to a very small point that I made yesterday when I was speaking, and I made a few general comments about a National Health Insurance Plan. I believe that I understand what is meant by this statement in the Address and I grant it is a fair comment. I say that the Health Insurance Plan, among other things, is very necessary because there is, in my mind, no sense for Government to be, for lack of a better word, "hypocritical" about taxation when people still have to pay certain amounts through various diverted sources just to increase Government's Revenue.

I will use a small example, and I believe that I can prove what I am saying here. The increase that was made a short while ago on the tariff on diesel fuel - and I want people to understand that I am not talking about which Government, the only Member of Executive Council facing me today is the Honourable Mr. Thomas Jefferson. I am not talking about Mr. Jefferson's Government, and I am not talking about Mr. Benson's Government that went. I am talking about this country. When there was an increase in diesel fuel, it was a direct increase to the importers of diesel. It has proven that it has earned Government in the region of \$7 million a year, I believe, with that increase.

Madam Speaker, the largest consumer of diesel is one of our utilities companies, the Caribbean Utilities Company. To offset their increased cost, Madam Speaker, they increased their rates, and, to be fair, justifiably so. But it does not end there. Government gets one revenue which is the direct increase on the import duty. By the time that increase gets to the consumer it has multiplied 50 times and John Brown is paying for that. When Government increases its rates to Caribbean Utilities Company, Caribbean Utilities Company increases its rates to every customer, which means the supermarkets are paying more for electricity, which means they add increases to the cost of their product to the consumer. All other services are affected and all other services offset their increased cost in their retail outlets. By the time the consumer pays for the goods and services, the one increase that Government made has multiplied - I say 50 times, and that may be conservative, because the consumer not only buys groceries but he pays electricity, he has to buy clothes, he has to buy all of the other stuff that he needs to live from, and each and every one of those products reflect that increase. So, in essence it might be suitable for Government to be examining the method in which they gain their revenue in that it is not necessarily in the best interest of the people all the time to deal with it in such fashion, simply because of the chain of command from the beginning until the time the product gets into the hands of the consumer.

So, with what I am saying, when it comes to certain other services which Government has provided in the past, and needs to provide, I used the word "innovation" before, and I am saying that the powers that be and the big "think-tank" that is there might want or might well need to sit down and examine the methods very closely so as not to multiply the cost of living to the consumers by boxing themselves into a situation where they need more revenue to provide the services to the consumers. But at the same time we do not want to hear about direct taxation so we tax somebody else and by the time the consumer gets it, it has multiplied 50 times, but we only get one of 50 times (1/50) out of it. Madam Speaker, with those observations I will move on.

In his Budget Address the Third Official Member pointed out

that, "On the recurrent side of a surplus of \$7.2 million [means] excluding the \$16.6 million recurrent expenditure for Cayman Airways...", that after "Revised capital expenditure of \$7.7 million it will therefore mean that the cumulated deficit for 1993, after financing should amount to approximately \$500,000." To be fair this is definitely an improvement over the \$7 million cumulated deficit for 1992. Now, wherever one argues a budget, Madam Speaker, one side tends to mention the figures that are suited to that side and the other side tends to mention those figures that suit that other side. But while that game continues to be played there is still the real side. When we talk about public debt, and may I say this morning, Madam Speaker, that unless I am not supposed to know, what I have never seen is an itemised list of the debt service that this country has engaged itself in - the length and time of each individual debt and how much is being paid on a regular basis. I would like to see that because I personally believe that I, and I can only speak for myself at this point in time, would have much greater insight into the exact state of affairs of the country at that point in time. I see the figures in their total lines. That is being requested not to add to the hard labour of the Finance Department, because I am sure they have access to those figures but I think that I would really be able to have a better grasp of the situation.

As he goes down into the last part of his Address, Madam Speaker, the Financial Secretary states, and I quote: "Government's financial performance, although showing significant improvement continues to require good fiscal responsibility and there is still cause for concern..." How true "...The Government should not allow the headway it has been making in reducing both the size and the growth of the deficit to be eroded in the future." He lives with them on a daily basis, Madam Speaker, so I will just hope that he reminds them often enough. "Recently, the Government has put forward a 'Draft Medium Term Development Plan...', that, too, I would like to see, Madam Speaker, unless it is not for my eyes, "...for 1994 through 1996 with possible adoption in early 1994." I am assuming that we will all have some input in that.

The decrease in the land transfer tax, the increase in the cruise ship passenger tax and the other proposed increase for the travel tax, which are the measures that Government has brought forward to increase revenue, by I think \$5.1 million, Madam Speaker, I, for one, do not believe that these are unreasonable measures. I fully understand that the goods and services that the central Government provides for the country have to be paid for in some form or fashion. But, sooner or later we are going to run out of areas to tap in on. We come back to the word "innovation". We need to be seeking new avenues of revenue, at the same time we all want to retain our tax free status.

So, while the answers are not easy, and they will not spout from the brilliant minds who deals with it quite regularly, I think that some long, hard thoughts need to be put into finding other areas of Government revenue which does not directly affect the general population. Because of the last statement I made, it is why I know that it is difficult in finding these areas, but that is the route that we need to take. Otherwise, we, the Government of the country, will be found guilty of helping to cause the inflation, the rise in prices, and other areas which we do not want to see happen. So the Government who has access to all of the various facts and figures, in the various areas that do business within these Islands, needs to look very carefully, very conscientiously at finding other revenue measures. We cannot be playing tag where every two or three years we drop a little increase on one area and rest that for a couple of years and then come back to it afterwards - we need new areas.

Madam Speaker, in the Estimates, the Detailed Estimates of Recurrent and Statutory Expenditure by Department, I noticed that under the Head "Judicial", one of the objectives for 1994 is to enlarge office accommodations at the Courts within the present building line by May 1994, at an approximate cost of \$100,000. Madam Speaker, I welcome that and I think that most of us here know of the many problems that the Courts have been having with space - both with office space and physical Court space. The Juvenile Court and the Summary Court are held in the Town Hall here. So that, I am sure, will assist. But, better yet, in the 1995 objectives it is hoped by the 1995 Budget to achieve the allocation of the funds and resources necessary for the adequate extension of the Courts Building beyond the present building line. I think that is well needed. I know that we cannot do everything overnight and if it takes until 1995, then so be it. But at least I know, and I can say, that there is some forward thinking and there is some planning. What I want to say now though, is that this document will not be lost. We will always be able to refer to this document. So I trust that when we mark our papers we will be able to give ticks and not Xs.

Madam Speaker, under Immigration, one of the objectives for 1994 is to notify applicants of the Immigration Board's decision within 30 days, by June 1994. What I understand from that is, whenever somebody makes an application for a work permit, by June 1994 the Department will be at a level of efficiency where they will get a reply to that application in 30 days. Madam Speaker, it is time that that is the case, without a doubt it is time. All of these things, and, as I go on I can only hope that, while I know that physical problems will occur in the various implementation stages, I do trust that both the Elected Arm of Government and the Official Arm of Government will be able to maintain the staying power to see these things through.

Under the section of the Police, they have a very nice Mission Statement, which reads: "To preserve public peace and ensure compliance with the Penal Laws of the Cayman Islands; prevent and detect crime and to protect life and property." Madam Speaker, I want to go on record this morning to say, that because of some personal experiences that I have had in the very recent past, and because of some fairly in-depth discussions at various levels within the Police Force, I know their job is one for which there is no thanks. I know that at times we come down hard on a chain of command because of lack of results and I believe that, at times, that is done rightly so. But, as I go through the various areas of the Estimates for the Police, I am pleased to see that there are plans to increase the administrative efficiency through better housing. I would also like to say that in the various areas that have not been able to be manned very efficiently, I would like to see the Government, whether it be with a continuing long term plan of upgrading, 'beef-up', if I may use that term, some of the sectors that not much attention has been paid to thus far.

I see at the beginning of that where there are funds allocated for

a patrol boat. What we are also finding is that much of the illegal activities which go on in this country go on in the outer districts. I think, that as a matter of policy, the powers that be, need to carefully examine the allocation of manpower because there may need to be some adjustment there. Frankly speaking, with the greatest of respect, I really do not want to hear, "We do not have this and we do not have that, we do not have this and we do not have that." The truth of the matter is, Law and Order is the plus side of any equation that we can put together for this country to be better. Without Law and Order, anarchy exists, we have no country. I am therefore saying that personnel-wise, equipment-wise, and funds-wise, once we are satisfied that these are the steps that need to be taken then we must find the wherewithal to do it. It is not something that we can say, "Well we will deal with it in a couple of year's time". The couple year's time we might have nothing left to deal with, if we leave this alone.

After the Police comes the Head Prison. The Prison also has a nice Mission Statement. The Mission Statement of the Prison is, "To secure and provide acceptable conditions for prisoners in the Cayman Islands and encourage them to lead a law-abiding life on discharge." Now I really would not want to take that statement at task this morning to say anything about it. But, suffice it to say, and I say this with the greatest of respect, I would like to see a little bit more than that in our Prison Service. I do not intend to go into a lot of detail because I do not want to create the wrong impression that people are not doing their jobs, and stuff like that. If any part of these estimates, to my mind, and I speak for myself, is uninspiring, then that is the part, but I will not belabour the point.

Madam Speaker, one very important area is the area of Personnel in the Government Service, and in the 1993 Review of Achievements it says; "A comprehensive manpower and localisation plan is the priority and this will identify graduate development requirements." One of the objectives for 1994 is to devise a long term localisation and succession strategy for the Civil Service by June 1994. Many of us have preached sermons about this before. Let me say, that I sincerely hope that this is not just a very hypothetical situation which will remain on paper, but not be achieved.

I maintain that it is high time - and it is not said for anyone to misunderstand the intentions - that this country and its Civil Service be manned at all possible levels by our own people. I know that it is not something that can be achieved overnight, and I know the various problems that will ensue, but Government will never be the Government it should be if we do not have Caymanians in place - trained, qualified, capable and motivated to run the Government. I know that there have been many attempts, and attempts are continuing to localise the Service. But I believe that it needs to be hyped up a little more. I think serious, serious plans need to be made, and I am convinced that our qualified Caymanians, if they are satisfied that they will be upgraded continually, based on their performance, and there will be no stumbling blocks in their way, they will be part of our Service. So, while not making any accusations that this is not the intention, I still reiterate that that, personally, I feel, is the route we need to go in order to increase the morale, to increase the efficiency and to increase the very basic outlook of the business of Government.

Now, Madam Speaker, I noticed the Temporary Second Official Member eyeing me. He must know that I am coming to the Legal Department. I am trying not to stray too far, and read too many Mission Statements, Madam Speaker, but I think there is relevance. The Mission Statement of the Legal Department is, "To provide sound legal advice and assistance to Government Departments, Statutory Authorities and the Cayman Mutual Legal Assistance Authority and conduct criminal and civil litigation", which is, basically what that Department is all about. The few comments that I have to make there is, in some of my discussions with some individuals, let me quickly try to paint a picture here - the police gather the evidence and make the case, the Legal Department conducts the prosecution and the Judge either lets them go or sends them to jail. That is basically how it is. So the Legal Department is in the middle. In my discussions with some of the higher-ups in the Police, there seems to be certain levels of disappointment in the way that certain cases are handled. It may be that there is an overload, I do not know that. If there is, then I guess we know what to do about it. But I would just like to offer a few words of advice - that the people within the Legal Department maintain, possibly, a little bit closer contact, and also, just as the old saying goes that, "justice must not only be done, but it must seem to be done", then let that manifest itself in their deliberations. I do not know anything specific to make an accusation, and I would not do that. But, I get the feeling from some of these people, and I do not think that they are making it up, so I think it maybe is something we need to look into. So, when the Temporary Second Official Member goes back to his daily routine, maybe he might bear that in mind and, if necessary, deal with whatever is lacking. I am not suggesting that they should not have the funds that have been allocated for them to operate the Department, so, do not misunderstand that, Sir.

Under "Tourism" (and I thank the Member for returning) the one area that I have a question on, and the question I have is only by lack of knowledge, but I bring it up so that the Member might take the opportunity in his contribution to address it. Under "Advertising", there is about \$6.4 million and, while I know that the Department does a lot of advertising, I noticed that there is an increase in that area in excess of \$1 million from last year's Budget. I would just like to hear some more so that I may be informed.

There are other areas, Madam Speaker, and one that I would like to touch on is Social Services. The Mission Statement of the Social Services Department is, "To provide comprehensive cost effective human services in the areas of physical, emotional and social needs of the population reflecting the cultural values and historical developments of the Cayman Islands." In their objectives there is a long list in the various specified areas under the umbrella of that Department. So, I do not have to take forever with each of these things, I would just like to say that the way this country has developed and the way that I, personally, see it heading, the social problems that have developed, due to the many, many factors that sometimes we really have no control over, those social problems are either going to make us or break us. What we need to do in that area requires real money, real programmes, real expertise, and real commitment. If the social problems of this country are not addressed properly then the Law and Order that I spoke about earlier cannot be kept in check and, Madam Speaker, it is going to ruin us. We have specific instances that we can quote from. In short, Madam Speaker, we

have things happening in this country today that even five years ago not one single one of us here today would have dreamt that we would have done anything else but seen it on the television. None of us ever thought that we would see it here, and it is right in our midst. So, in the area of Social Services, I see that their objectives list is a very extensive one and I am not able to stand here and spew all of the solutions out. I am sure that they are doing the various research that is necessary. I am sure whatever manpower is necessary will be as best as possible, given the constraints.

But, I simply emphasise, Madam Speaker, that social harmony along with law and order are the two basic ingredients for our country's success story. If we have problems in those two areas at a national level, we are going to be totally inhibited. We can look forward to nothing if we do not have those areas under control and working well. So, whatever it is going to take, and I leave that to the Government of the day, for us to deal with things that have been happening, and which are getting out of control in this country, please let us do it. I will stand here today and I will say all the roads that I think should be fixed, and all of this, but I understand and I accept what priority is, and those two areas are top priority.

THE SPEAKER:

Will this be a convenient time for suspension?

MR. D. KURT TIBBETTS:

Yes, Madam Speaker.

PROCEEDINGS SUSPENDED AT 11:27 A.M.

PROCEEDINGS RESUMED AT 11:51 A.M.

THE SPEAKER:

Member for George Town.

Please be seated. Debate continues. The Fourth Elected

MR. D. KURT TIBBETTS:

Madam Speaker, as I continue my overview on the Estimates, under the heading of Postal Services, I am very heartened to see that one of the objectives for 1994 is the renovation of the General Post Office. Earlier this year I made mention of it and since then I have seen, and I have heard from many staff members, the many problems that prevail at the Post Office. It is a good revenue earner and physical improvements, in my opinion, will certainly go a long way to increasing the revenue from that Department. I also believe that the staff will be a lot more productive once a more user-friendly environment is created for them within that department. Besides that, Madam Speaker, many of the visitors to our shores utilise the services of the Post Office. So it is important that we provide a good service - not just for them but for all of us. Also it is important that the presentation is correct and their impressions are favourable when they are thinking about returning the next time.

Madam Speaker, under the Public Works Department I see where there is a fair amount of capital expenditure and, while I am grateful that certain problems have been addressed, I would like to make mention of two areas - one is roads within the district of George Town. I think that there are several specific areas, and I know that the Department knows about them, which need to be addressed. I also know of the problem with some of the older subdivision roads, subdivisions which have literally been fully developed - while new planning constraints literally force developers to complete roads to a fairly high standard, many of the older developments were not done in this way. But the truth of the matter is, that while, strictly speaking, Government may not have to claim responsibility for these roads, in reality there is no one else to turn to.

I would like to suggest that if the Government is not in a position to systematically do repairs in these areas, Government might want to consider speaking to residents within certain areas and maybe the residents might well be receptive to sharing the load, because I know that many people would be willing to assist, within reasonable means, with road repairs, especially having knowledge that many of these roads are not public roads. I think that people realise now that it might be better for them to show a gesture of willingness rather than not get any attention to the roads at all. So Government might want to consider dealing with it in that fashion based on what I might term as assessments, and maybe we could expedite that process in that way.

The other area, Madam Speaker, is street lights. Many of the highly developed areas, and at this point in time I have to speak for the district that I represent - the other Members from the various districts will fight their own battle I am sure - but, in driving through many of these areas at night time, it is obvious that there is nowhere near the required amount of street lighting. Some of these areas are prone to some illegal activities. Many of the residents are decent people, but wrongdoers choose to engage in illegal activities in those areas because it suits them. I think that if more of our streets were lit properly, we could say that immediately they would become safer. I think that is a fair statement. Again, while accepting monetary constraints, I get requests, and I am sure other Members get the same, very frequently for street lighting in certain areas and I have to say that many times, when the requests are past in, we have not had as good results as I would have liked to have seen. So I would ask the Government to look into this matter. There is also a possibility of involving the utility company in some form or fashion. I understand from the Member, who is not here today, from discussions with him that negotiations were taking place and I hope that some feasible method could be employed that may be over a period of time we might be able to address the lighting of streets in a systematic fashion whereby the various areas that are now experiencing problems because of this, might have those problems alleviated.

Under the heading of Education, Madam Speaker, whether it should have been done before or not, I am glad to see that some physical improvements are being planned for our public schools. I need not say that, again, is a very vital area for the success of this country - an educated society is a safe one.

With regards to the Education Portfolio, Madam Speaker, there is something that I do not know if it is being addressed, but I would like to talk about it for a minute or two because I think it is very important. We have had serious attempts at various levels, with regards to education, regarding the evil of drugs. We have charitable organisations, service clubs within the private school system and within the public school system. We have certain programmes which deal with this. But having listened to a few people who know what they are saying, and have proven with their arguments to me, today I am convinced that to be effective in drug education we need to start with the children when they have just begun school at the primary level. I think the police and other agencies can become physically involved in this educational process, and I believe that we should be looking in our public school system to have a tightly integrated programme within that curriculum so that our youngsters may learn from early, early, early, the horrors of drug addiction and drug abuse.

There are various ways in which to communicate with various age groups, and there are tools and paraphernalia and literature geared towards this age group. I believe that that age group is where we might want to begin to look at providing systematic education in this area. It is not to say that we should concentrate less at the other levels than we are doing now, I am asking for an additive. I believe that while we will not see the results overnight - because, naturally, it takes some time for these kids to become teenagers and adults - I believe that if we concentrate in that area, in times to come, we will see much better results and there will be much more resistance to the temptations of others in doing drugs. So, while life goes on in our education system, and while we concentrate our efforts on improving existing areas, both physically and in our systems, I think it would be good if we could bear that in mind, investigate it, because I do not think it has to be that costly that it is not worth it. I think, we have everything in place, it is just a matter of feeding that through the system.

Madam Speaker, the Government now boasts in this Budget, of Capital Expenditure to the tune of an excess of \$20 million and, not reluctantly, on examination of the Capital Expenditure, I have to say that it is fairly diverse and it should bring some positive results while, at the same time, making physical improvements to our road's system. We are doing some new buildings. I see where we are putting in a new building for the Department of Environment and, all-in-all, it seems like there are some sound plans for down the line.

What I would like to say to the Government at the same time, is that while this may have been an appropriate time to deal with some capital improvements based on the situation that we face locally, I think that we should be looking in our medium and long range plans to, once again, find ourselves in a position of having a reasonable reserve so that - just like you live within your family - we will not be as nervous as we are today. It is said that "one must always put up for a rainy day", and I think that while individuals sing the song, there is nothing wrong with us, also, singing the song at a national level. So in our deliberations I would like for us to be considering down line, whereby we can boost up the reserve a little bit, just to have that little padding so that we might not feel bare-back in the day-to-day running of things.

Madam Speaker, that basically winds up my contribution to the Budget Address and the Appropriation (1994) Bill, 1993. I will be watching, and I will be assisting, in any way that I can, in the matters that we have to deal with at a national level. But I will be looking keenly at some very important areas that I see some reasonable attempts being made to address, and I trust that the various arms of the Government can see these prospective projects completed and these various areas addressed. I will not fight the cause because I believe a Budget is what keeps everything going. There have been other speakers who have addressed areas where they have had different view points, and after the back and forth bashing has taken place, I would hope that everyone is able to look at all the facts that are there and use whatever relevant points have been brought out to the advantage of us all. I am sure there are other speakers who are very eager to make their contribution to this debate, Madam Speaker, so I will close now.

Thank you.

**THE SPEAKER:**

The Fourth Elected Member for West Bay.

**MR. D. DALMAIN EBANKS:**

Thank you, Madam Speaker.

Madam Speaker, this Budget that has been presented to us now has a great significance to it, for when you look back at the years 1991 and 1992, and the financial dilemma that the country was in then, and look at what it is today, with only one year behind the present Government. I think that we should be proud of what we have. With the competition from other countries in this same region that are looking for the same things that we are - that is, development of their resources - I think that Government has done a great job. The Government has taken this country from the brink of disaster, turned it around and got the economy on a sound footing. These Islands must be proud, very proud of their Government.

Madam Speaker, here is a place for caution. We cannot be too complacent, for all is not milk and honey. In moving we must not try to go too fast. We must take our time, pick our cost, and call our shots, or we might end up in problems again. We have no resources to fall back on. We are wholly dependent on offshore businesses, such as companies, investors, etcetera. So, this is what I mean by taking our time and calling our shots. We have to be careful how we work.

It is very heartening to know that tourism is on the rebound, and this year it has made a record for the highest. This is the result of a good market that meets its demands, and I must congratulate the Member. But, it is but wise, Madam Speaker, to seek markets elsewhere. We should be looking to Europe and also South America. I understand now that Panama is going to make an attempt to come in here, and there is a lot of money moving around in Panama and there are a lot of tourists that go there. They are willing to come this way if Government will let them. I hope this will be looked into and it will work out to be feasible for us.

It is good to know that unemployment is on the decline and we hope that it will continue to decline. I hope that it will go that way for a long time and, also, Caymanians will be filling

jobs that are available to them - for the more Caymanians that are working the better the economy will be because the money will remain in the country. I must agree that we cannot do without some foreign labour, but whatever jobs the Caymanians can do, they should have it.

Madam Speaker, crime is a worrisome thing. It has hit us like a stone. It is very disheartening and it demands for Government to put a stop to it, as expected, and also accepted. I want the public to know that Government is now countering it and there will be a stoppage to it eventually. Government is taking some drastic measures to curb the drug and gun-running that is going on here.

I am very glad to know that we are getting a Coast Guard boat. This has been one of my priorities from the time I entered this Honourable House in 1976. I tried then (and very often) to persuade them to get two good Coast Guard boats. We did not do it then, but eventually we will be getting one. This boat will not be the answer to all of the drug-running and gun-running because it is only one boat - and it is very hard to set up a proper patrol with one boat, we need at least two. But, if the Captain knows what he is doing, and it is well handled and manned it can be of great help. The right thing to do is to get a radar station where we can get a steady monitor around the Island within minutes. This radar must be one that can detect objects under water. When this is done you send the boat out to intercept whatever object it is - that is how this should be done, since we would not be able to keep one boat patrolling up and down all day and night, so you see, the radar station is the answer to this problem.

Madam Speaker, another issue that touches me very closely is sports. I am very glad to see that a sports programme is going to be developed. I think that if it was not for Sports, I would not have been in this Honourable House today, because I would say the youth put me here to support them in sports. As this whole Island knows, I have been pushing for sports from back in the 60s, and what this programme is calling for now is the same thing that I have been asking Government and the private sector to try and put into this country to help our youth. Everybody said that the youths need help, but nobody really got out there and worked with them or tried to get the facilities for them. Now, Madam Speaker, these facilities are supposedly going into every district. That is the right move. I only hope that in all the facilities there will always be some place for the indoor sports. I see that even Cayman Brac is calling for this, and I am very glad, because just recently I was speaking to the Second Elected Member for Cayman Brac and Little Cayman about my introducing sports over there and he supported me with it. But, thank God, we are on the road.

Madam Speaker, sports, in general, is a deterrent also for drugs. Any country that does not support sports, or does not have sports, is a lost cause. That is why we must continue to support it here, and pull our young ones off the streets. Get them hooked into sports and you have got them saved. Sports is an education in itself, it is a medicine, it is a body builder - you name it, what is good - sports supports it. That is why I am so well pleased with this issue. I think I see the light now for help in saving our youths.

I am also very glad to know that the road programme is going to be started. I know the roads that we do have need fixing and there are great demands for new roads. The corridor that will be introduced from West Bay to the Airport is very much needed, and I trust that we will get it as quickly as possible because the congestion on the West Bay Road is really getting unbearable.

Another thing that I am happy about is that the Rehabilitation Centre issue is going forward. Again, this is another means of saving our youth - even those who are already into the drug habit, living alone in the woods, we have to try to save them. Madam Speaker, if you can just save one, that is one soul that is saved, it is better than having that one lost. I am supporting this all the way.

With all the things that have been said in this Honourable House, I want to congratulate the Financial Secretary and his staff for the job that they have done on the Budget Address. I know that they worked long hours so we have to congratulate them. I can only say that I wish from now that regardless of which Government is in here, that the Financial Secretary will always be able to bring such a good Address to this Honourable House, and that would mean that our country will always be in the prosperous area that will be moving ahead.

Madam Speaker, I want to thank Government, and all of us, for working so diligently in trying to save our country and getting it back to where it is, and I hope we continue to try to work together for one goal - and that goal is to save the Cayman Islands in the future.

Thank you, Madam Speaker.

**THE SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. I would first like to congratulate the Honourable Third Official Member, the Financial Secretary, on a very informative, well delivered Budget Address which he delivered to this House just a few days ago - this being the 14th consecutive Budget Address that I have had an opportunity to offer comments on, thanks to the people of Cayman Brac having elected me.

I am very grateful that I am able to be here today and to take part in this debate. In my normal fashion I shall not be harsh, neither shall I be extremely long. I shall try to touch on the points that I think are important and deal primarily with the district for which I have direct representative responsibility. Madam Speaker, we have much to be thankful for to live in a country like the Cayman Islands, with the freedoms that we have and the affluence of our society. The Cayman Islands have come a long way since I first came to this Honourable House in 1980, and it has been under many Governments. Many things could have been done differently. In my opinion many things were done correctly, but, nevertheless, we are where we are because political freedom and democracy have prevailed within these Islands over the number of decades, and our parliamentary democracy exists within our shores.

This country, being made up of three Islands separated by very deep water, makes it unique for a small country to have responsibility for three separate Islands being that distance

apart. Therefore, each district has different needs, and similar needs in many instances. Today, as I have looked over the Estimates for 1994 it amazes me that a country with the population of the Cayman Islands can look at a Budget of \$157.1 million. That is an enormous figure when you think of the size of our population. We are indeed a fortunate people.

I have often wondered why other countries, when this country embarked upon its financial industries, did not think of it, and rejoice that they did not at the time, and that the Cayman Islands became the premier, the forerunner, in an offshore financial industry, and has been able to maintain it. We, today, as was ably stated by the Honourable Financial Secretary, are having competition within this sector - in the International Financial Services - and I am happy that we are able to amend our Laws and to keep our legislation just one step ahead in order to continue to attract the business that we need.

Speaking of Tourism, I would think tourism and our international financial centre go hand in hand. One helps the other and, therefore, they make up the two main pillars of our financial economy. Tourism has shown an increase during this year, for which I am very grateful. The 19% increase in air arrivals is very encouraging and, maybe, in the not-too-distant future, we may be able to attract yet another large hotel. This not only would give additional rooms but it would help the construction industry to, once more, get back on track.

The Cayman Islands must maintain its quality of life. We must make it a place that people wish to visit. I have noticed with keen interest the great effort put forth by the Tourism Awareness Week Committee, and I congratulate them on their efforts as they travelled from district to district, trying to promote the people of these different districts that make up the Cayman Islands to really appreciate the tourists and to treat them as welcomed guests. Madam Speaker, I think it is important that we do not out-price ourselves because, as has been said in this Budget Address, our neighbours are heavy and strong competition and, therefore, we must be friendly, we must capitalise on all the advantages that we have and, certainly, we must give value for money.

Madam Speaker, the Education System of these Islands is something that we should be justly proud of. Instead of the constant criticism that we hear, I think that we should all be very grateful. Those of my age group had to leave this country at a very young age, be separated from our people, our parents and go overseas to get an education. Youths should appreciate the fact that it is here for them - it is free and it is a good education, and they should take advantage of it.

I constantly try to talk to the youths of my district and say to them, put all you have and get an education, that is one thing that is yours forever. Nobody can take it from you. Prepare yourself for the future. Therefore, I think it is important for all of us to support the Member for Education. He has a responsibility, he has the ability and, therefore, I think we should give him our full support. As I have said before, I had to go to different countries before I even reached High School age, and then on to University. I am thankful that I was able to go that far, but there were many others that did not have the ability to go that far because it was so costly and so difficult. We in this country are not only providing the basic education, the Secondary Education, Community College level, but also scholarships are available and, if they are taken advantage of, then, certainly, that would be beneficial to all. We are, again I repeat, a very fortunate people.

We look at our economy and say things are bad. But let us look at one of the heavy, highly industrialised nations of the world - the United States of America - look at the unemployment that is within that country. Look at the problems that Japan itself is having. Look at West Germany, who just a couple of years ago seemed to be topping the world. We have been very fortunate to be able to keep inflation in check and keep our unemployment percentage low. I say to this Honourable House today, a problem we have that we must address is providing technical training in order that our less endowed students, if I can put it that way, will have an opportunity to qualify in trades which we need every day - construction trade, automobile mechanics, and the list goes on, and on - that they in turn can earn a heavy wage, and not be expecting to get a healthy salary but not be qualified to do the job.

Madam Speaker, that is one of the things I think we have lacked. If you will recall, most Caymanian men, just a decade or two ago, went to sea for a living and whether we liked that as a profession or not, it was an excellent training ground on board ships, from learning to cook, to navigation, to mechanics, to welding, you learned the trades that it is now necessary to provide in technical schools. Now, when you came home from a ship you had no certificate to show, unless you qualified for a licence, but you had the ability because you lived with it every day and that is what has happened in these Islands. As we have become fortunate enough to find employment on our shores and in our homes, we have not had the opportunity of getting the technical experience. So, if a school-leaver coming out of school has gone to work expecting to get a full scale of wage and often times, because of the scarcity of persons, has been able to get that salary, and therefore did not need to learn the trade, we have created that problem and today the country is having a social problem because we are having to import this type of labour.

So, Madam Speaker, that is one of the things that I think would be very beneficial in the future if we can create more technical training. Not only for the school-leavers but for lots of our mature individuals who would be willing to study and to improve their skills.

Madam Speaker, previous speakers have done an excellent job in going over this in detail. I do not feel that I will take too much of the time of this House in repeating anything that they have said. I simply would like to say that I am grateful for what has been accomplished to date. The financial performance in 1993 has been good. We have a lot of recurrent expenses, but we are a growing nation with many needs. We have seen much improvement and we realise that not a lot of capital projects were able to be funded during this year. Therefore, there has been some hardship, in particular, in the district which I represent, and I am sure, likewise here on the Island of Grand Cayman. But I am very grateful to see that this year the Government has seen fit to have a large sum of money for capital projects. To my belief and understanding, it is probably one of the

largest sums ever voted for capital in the history of these Islands and that, certainly, will inject capital into our economy and the roll-over effect will certainly be beneficial as 1994 rolls on.

Madam Speaker, I would like now to move to my district. During 1993, we saw the completion of the addition to the Faith Hospital, for which the people of Cayman Brac and Little Cayman are most grateful. It is indeed a beautiful project and it gives us modern, up-to-date facilities and the advantage now, in the event of an emergency, we at least have facilities where we can fly in specialists and we are in much better shape than before. We are also, very pleased with the medical and the nursing staff, and the support services that we have within the Health Services. We are grateful for the equipment that is available on the Brac and, for the first time ever, there is an obstetrician and gynecologist resident on Cayman Brac. That she is a female is a great plus for the female population of Cayman Brac, and very much appreciated.

The project of the Rest Home has also moved on very slowly, and continues to move at an extremely slow pace as finances are just not there. The funds that we had hoped to get from the private sector have just not materialised and we are just almost to completion, but almost is not enough. We just do not have the money to furnish the place. We have not received some of the equipment out of the original Faith Hospital - beds and some of the other equipment - we still lack a considerable amount. So, as to when that will be put into operation will depend entirely on the availability of funds. I have made appeals through the press, by individual letters, and I am hoping that we will get some results.

When it is completed, Madam Speaker, it will offer the aged, the geriatrics, facilities at home that they need, and have been in need of for many years, because for several years now the rest home which was operated by the Baptist Association has been closed.

Madam Speaker, another need that we have in our district is for sports. I was very pleased to hear the report by the Member responsible of all the efforts that are being pursued in the development of sports in the different districts here in Grand Cayman, for I, too, have been very interested, and know the benefit sports can have for young people. To date, unfortunately, we are going in the opposite direction in Cayman Brac. For the last several years Government has had on lease a swimming pool. That lease is going to be terminated very shortly by the owner, I see he is selling the property. We have known that we did not have money to buy that pool - we certainly will not have money to build one - so that means that the swimming programme which has been developed over the years at the three Primary Schools, and the Cayman Brac High School, will have to be terminated. It is also used as an area for parking for sports events at the Cayman Brac High School. Once it goes into private, foreign hands that will not be allowed. So that will be another difficulty.

In the Budget this year we have maintenance of playing field in the sum of \$20,000, and we have \$13,000, Madam Speaker, for the maintenance of cemeteries. It shows, Madam Speaker, that we cannot maintain our playing fields because this is about the only central area that we have over on Cayman Brac. Each Primary School barely has a very small area around them, except the High School, and I am asking Honourable Members to give us some serious consideration as we do not expect impossibilities, but we do feel that as a part of the Cayman Islands our sports programme needs to go ahead. We, too, have the same problems as you have here - on a smaller scale, or lower scale - with illicit and illegal drugs, but they are there and they are on the increase. Unless we can find proper utilisation for these individuals' time, greater problems will be created for us as time goes on.

So, Madam Speaker, that is not an encouraging thought for me to take to my people, that they will not have the use of a swimming pool in the future. So I again, in the fear of being repetitious, ask Honourable Members when we go into Finance Committee to give Cayman Brac very serious consideration with this request.

Madam Speaker, we understand the financial constraints, but we also understand that when the criminal element moves in and expenses are incurred we cannot put those expenses off - they have to be met whether we have financial constraints or not. If they have to be sent to Northward, we have to fund that bill, we have to fund the legal expenses. So let us try to provide for our youth. Let us eliminate the boredom and provide healthy entertainment and the facilities which can.

Another thing I would like to speak on, Madam Speaker, is I have a parliamentary question tabled in this Session regarding street lights, but the answer has not been given to date. There is a serious shortage of street lighting in Cayman Brac and particularly in Little Cayman. Originally there was a provision where they would add 12 street lights per year in Cayman Brac and after Little Cayman became electrified that was divided between the two Islands. But now, it is my understanding that the 12 lights often have to go to replace lights that are destroyed by vandals. So the actual addition of street lights is almost non-existent. We need some special provision for this, because if we are to curtail crime and to eliminate the places to hide - we have seen this element becoming more active - we need to do what we can to prevent it.

Madam Speaker, the people of Cayman Brac and Little Cayman have a self-help attitude and they have, over the years, been quite willing to join with Government in any project that Government will join in with them. I would like to recommend that if Government can see fit, somehow, to purchase the swimming pool, then the people of Cayman Brac will do the lighting and put a soft ball court in and make other improvements where it can become a central park. We will work hand-in-hand with you. We could have had this done over the years, but being private property we did not feel it was in the best interest to develop private property when we did not have it - I think the lease, as I understand, has a 60 day termination clause, so we had no security.

deal with...

THE SPEAKER:  
the lunch suspension?

Madam Speaker, I have some other points that I would like to

Honourable Member, would this be an opportune time to take

**CAPT. MABRY S. KIRKCONNELL:**

Yes, Madam Speaker.

**THE SPEAKER:**

At this time the proceedings will be suspended until 2:30 P.M.,

**PROCEEDINGS SUSPENDED AT 12:55 P.M.**

**PROCEEDINGS RESUMED AT 2:35 P.M.**

**THE SPEAKER:**

for Cayman Brac and Little Cayman.

Please be seated. Debate continues. The First Elected Member

**CAPT. MABRY S. KIRKCONNELL:**

Thank you, Madam Speaker. When we took the lunch break, I was talking about some requirements for Cayman Brac and Little Cayman and I will continue on that. One thing that we have tried for several years to get accomplished was the continuation of the Bluff Road on Cayman Brac, around from where it ended in a westerly direction until it meets the diversion road at West End. This would enable property to be sold and I think you would see the subdividing of property. Then, when money is available, we can work on the road. It would not mean that it would be diverted around buildings and other developments which may take place in the meantime, it is simply a matter of a simple survey and the gazetting of it. It would preserve the corridor and also make the land available for sale at an increased value and provide revenue in Stamp Duty for Government.

We have also asked, for a long time, that serious look be taken at the North Coast Road on Little Cayman, as a very large percentage of the property on the North Coast, which is nice oceanfront property but because the road was not engineered when it was constructed - a bulldozer simply ran where it was least resistant, and very often it is within the distance required by the Planning Department as a set back for a building - it is not buildable on the sites and much of the area has really no resale value. If the property was re-gazetted, the person buying the land could undertake to move the road at their own expense and it would not be a burden to Government, but it would certainly generate more activity in the real estate market and also, provide revenue for Government on the transfer tax.

We look at these as projects that would not be costly, but in the long run would be beneficial to not only the owner of the property but to Government as a revenue earner.

Madam Speaker, today, as I have said in the beginning, is the 14th Budget Address that I have had the opportunity to comment on and I am very grateful to the people of my district for the confidence they placed in me. In closing I would like to just read one paragraph from the Honourable Financial Secretary's speech on fiscal measures and I quote: "Government's financial performance, although showing significant improvement continues to require good fiscal responsibility and is still cause for concern. The Government should not allow the headway it has been making in reducing both the size and growth of the deficit to be eroded in the future. Only consistent prudent fiscal management and policy will ensure a stable and healthy state of finances for Government. It is therefore imperative that careful planning be the foundation for guiding future Government decisions." I think these are wise words Madam Speaker, and if they are followed I think we can look forward to a bright future here in the Cayman Islands. With these words, Madam Speaker, I support the Appropriation (1994) Bill, 1993.

**THE SPEAKER:**

The Elected Member for North Side.

**MRS. EDNA M. MOYLE:**

Madam Speaker, in my contribution on the debate on the Budget Address, I would first of all like to congratulate the Honourable Third Official Member for his detailed Budget presented to this Honourable House and, to congratulate the present Government for being able to present to this country a Budget, such as this one, in the first year of our term in this Honourable House.

For the year 1993, for us to have come out with approximately \$500,000 cumulated deficit - having started off with a \$7 million deficit at the end of 1992 - to me, that in itself is a marked improvement and it is an achievement that could not have come about without the responsible and capable Government now at the helm of the affairs of this country, together with their vigilant Backbench Members.

Madam Speaker, for some time now we have constantly seen unsigned letters in the press in this country saying that this country has no direction and that the present Government is at a stand still. When I read from the Financial Secretary's Budget Address that everything in this country has improved since this Government has come to office, it makes me feel good. We read under 'Financial Sector Performance', in the Financial Secretary's Budget Address: "loans and advances made locally amounted to \$711 million in the second quarter of 1993, representing an 18.3% increase over the same period last year."

We read under 'Inflation': "inflation averaged 2.2% compared to 2.3% for the same period in 1992." We go on to the 'Labour Market' and we read: "The overall unemployment rate stood at 5.5% in March, down from 6.3% a year ago. The unemployment rate for Caymanians was estimated at 6.2% compared to 6.9% last year."

Madam Speaker, at this point I would like to commend the Immigration Board of this country which has taken the attitude that they will grant work permits where the cases are genuine, but they are prepared to put our Caymanians in the work force wherever they can be suited in, and they will continue to do this until they can find employment for all of our employable Caymanians. I commend the Immigration Board, and I wish them every success in their continued efforts to look after our people.

We read under the 'Import Sector', that the value of imported goods, excluding oil and liquor, fell by 2.2% in the first quarter of 1993, but was up by 14.5% in the second quarter,

compared to the same time in 1992. Under the 'Economic Outlook' we read: "Overall economic activity in 1993 is expected to exceed that of 1992. An economic growth rate between 3.5% and 4% is expected for 1993." Under the 'Revenue' section we read: "It is expected that revenue will grow by approximately 7.8% in 1993 compared to 6.9% in 1992", and this growth Madam Speaker, will be achieved without any added taxation in the year 1993. I do not understand how anyone in the public of the Cayman Islands can say that this Government is not doing what it told the electorate it would do when it was elected to the Chamber of this Legislative Assembly.

Madam Speaker, we have heard that tourism in this country has had one of the greatest increases it has had for a long time. The Financial Secretary, in his address, has told us that, so far, 1993 has been a record year for tourism in the Cayman Islands. It has been said, outside and within this Chamber that this is as a result of the wheels that were put into motion prior to our coming into the Legislative Assembly.

Madam Speaker, I beg to disagree with this statement. In my opinion I believe that the reason for the increase in tourist arrivals to the Cayman Islands is the result of the action taken by the Honourable Member now responsible for Tourism. When that Member, together with other Members of the Government, decided to replace the Head of the Tourism Department in North America, that was when we knew that we were on the brink of recovery for tourism in this country. We have now put at the head of these Departments people who will give us value for our money.

The Financial Secretary also said that these increases are the result of a fine tuning of the marketing and promotional strategies of the Department of Tourism. This I agree with, and the Honourable Member has spent much time in bringing these marketing and promotional strategies to bring extra tourists to this country that we depend on, and I am certain he will continue that trend. I know that whatever strategies are put in place, or whatever action is taken to increase the tourist product in the Cayman Islands, the Member is assured of the full support of all Members in this Legislative Assembly, whether they be Members of the Team or Opposition, because we realise how important tourism is to the Cayman Islands. Realising the importance of tourism, there is one section that I would like to touch on briefly because if we are going to encourage tourism we have to make life as comfortable for those tourists as we can, from the time of arrival until the time of their departure.

We must still keep our smiles and our pleasantries to tourists but, the Owen Roberts Airport has got to be extended. We can no longer, with the number of arrivals of aircraft in this country, continue to service the tourist with the limited space we now have at the check-in section at the airport. It is to be hoped that, in the very near future, this building will be extended to where it can accommodate more check-out counters and give the tourist and travelling Caymanians, alike, comfort and less confusion.

I have been at that airport going out to Jamaica on a Sunday and I often wonder if I am in the Cayman Islands which is catering to the tourist industry. There are people everywhere stepping all over each other trying to get checked in. At one point, on that particular evening, the American Airlines counter was totally taken over by passengers travelling on another airline.

Madam Speaker, we cannot continue with this confusion of one of the most important sectors of this country's economy when we are dealing with the tourists. I am certain that the Member responsible for Aviation, in his debate on this Budget Address, will have some news for us as to what is going to happen very early in the new year, or shortly, even before the beginning of the actual busy tourism season. As the Honourable Member for Health said in his debate, Cayman Airways, a subject that has been expanded and expounded on every Budget Address in this Parliament, nothing has been said about that in this Budget.

I would like to commend the Honourable Member for taking the bull by the horns in getting Cayman Airways back to where we can now hope that it will at least pay its own way.

The Honourable Member may be small in stature but when he took the decision, together with his Government, to cut down the size of Cayman Airways, it took a lot of gumption and when he made the decision to remove the Vice President of the North American section of Cayman Airways it was something that was long outstanding. Many who campaigned in this country in 1984 and 1988 campaigned on those same words, "This Vice President must go," and no one had the guts to do it. I say to the Honourable Truman Bodden, a job well done, and you have our complete support.

In the same breath I will ask him - we know that we had to make some jobs redundant, or we had to lay off some people, that he watch closely the situation should Cayman Airways get to the position of rehiring, that those people who were laid off at the time when we had to cut back to save the Airline will be rehired in preference to other people. They deserve this, they have worked with Cayman Airways for many years and gave their dedication and I feel if any positions are to be filled it should be filled by them first.

Madam Speaker, I would now like to touch on the Capital Development projects for 1994. I commend the Government for bringing these capital projects and I am certain that there is no one debating this Budget today that can disagree with these. The list of the capital development projects are all necessities. The Phase II construction of the Community College; the development of the George Hicks and John Gray High Schools; Red Bay and West Bay Primary, there is nothing too much that we can do for the educational system in this country because our people deserve it and if our boys and girls are not given proper schools, the future of the Cayman Islands will be very dim.

The first phase improvement at the George Town Hospital, with new West Bay and Bodden Town Health Centres, has been long needed, Madam Speaker. It is regretful that included with those two, there is not one for the Health Centre for the district of North Side. But the Honourable Member has projected for 1995 that there will be a Health Centre built for the district of North Side. The district of North Side should have had the best Health Centre in the Cayman Islands - having had its only Member of the Legislative Assembly as the Member for Health - and it is one of the worst looking Health Centres there is in this country. But I know that the Member responsible for Health has every district of the Cayman Islands at heart, and in

1995 a Health Centre for my district will be realised.

We are going to have substantial road improvements in all districts and new developments throughout all three Islands, including an additional road corridor beginning in the area of the Harquail Theatre leading to the airport area.

Madam Speaker, I commend the Member because a road corridor along the West Bay Road area has been needed for many years now to alleviate the traffic in that area of Grand Cayman. But I must stress to him, yes, this will be our beginning of solving the traffic congestion in the Cayman Islands but, we must not forget the eastern side of Grand Cayman. I have learned that the traffic backup coming from the eastern districts starts as far back as Savannah from 7 o'clock in the morning. It is all well and good to look at the West Bay/George Town district area along Seven Mile Beach, but I stress the need for something to be done for the people of those districts travelling to George Town for employment. What we are seeing happening in the eastern districts, there are more people moving from George Town and West Bay to live in the eastern districts and we must, as a matter of urgency, also address their needs.

It is to be hoped that in the 1995 Budget we can find funds somehow to put a road that will reduce travelling time from the district of North Side and get us some development in that district to bring a road across the Island. This road should have been done many years ago but we have always been faced with limited funds because at times there have been funds spent in areas that were not as necessary as roads. We can no longer, Madam Speaker, turn our backs on roads in the Cayman Islands. If it means that we must go to the private sector and enter into some contract with them to build these roads, we must do it. If we delay this much longer we will not be able to solve it, ever.

Sports centres and parks throughout Grand Cayman and Cayman Brac - and I like when I see these capital development projects say "throughout Grand Cayman and Cayman Brac" - it shows the Members representing Cayman Brac that, even though they are not a part of this Team, this Team represents the Cayman Islands and not just Grand Cayman.

Continuing development of the agricultural sector and, in particular, the construction of a new animal slaughter house facilities, I commend the Honourable John McLean. We wish him every luck and we will assist him wherever we can.

Madam Speaker, I am certain that if this was a Government who wished to put this country into an enormous deficit at the end of the year, there would have been a number of other projects that we would have had on this list. But, because we know we have financial constraints, we are trying to deal with the ones that we consider a priority at this time. I am certain that come 1995, with an improved financial position, that there will be other areas added to this list.

I am pleased to see that the district of North Side has been treated very well with the limited funds that we have to work with. The Civic Centre Hurricane Shelter is a dream come through for me, Madam Speaker. It is a facility that has been long needed by the people of North Side. I will never forget hurricane Gilbert, when I was a Warden at the Town Hall when the sea came over to where the Post Office is now, and it went into one of the Centres that was being used to shelter our people and we had to move them, it was a promise I made then, that whether I was elected to the Legislative Assembly or not, that I would work that we could have a Civic Centre Hurricane Shelter. This Civic Centre Hurricane Centre, Madam Speaker, we have allocated \$190,000 at this time, but I am certain that when it is completed the people of North Side will be proud.

The one thing that I will ask, is that when the contract for this Civic Centre Hurricane Shelter has been put out to bid that some of the contractors from my own district could be considered to build this to provide employment for them. I have said that, and I have no reason to fear, because the people in this Government that I work along with, I know will listen to my voice.

In the Budget we have \$300,000 for road works which I am thankful for. We have funds for the upgrading of the Old Man Bay playing field and although the Honourable Member responsible did not mention in his debate, when he mentioned the districts that we are getting toilet facilities and different things, he forgot to mention North Side, but I assured him before he left that I would not. I have asked for this money because the field, as it is now, is not big enough for proper football games to be played. When we are able to remove the pump house at the end and extend the field, we can then carry Division 1 football games to North Side. This will be history created, Madam Speaker, for the people of North Side.

In my humble opinion, and more so because I am a woman dealing in this Honourable House with a majority of men, and it tends to say that women are the weaker sex - I do not agree with that - I am certain that the men in this Honourable House will tell you that the two lady Members have a voice, particularly, the lady Member for North Side.

The allocation in this year's Budget for the district of North Side is the biggest it has ever been, Madam Speaker. I can tell the people of the district of North Side, whom I represent, and the Members sitting in this Chamber that each year it will get bigger and bigger. We have been forgotten for too long and I do not intend to continue to let the district of North Side be forgotten.

Madam Speaker, having followed such eloquent speakers before, as the Honourable Member for George Town who covered every inch of this Budget, and the other Members, there is not much more I can say without repeating what they have said. We have had people say, that the Budget is this, or the Budget is that. But, there is but one thing that I must say, and that is that not one Member stood on the floor of this Honourable House and said that they disagreed with this Budget. I commend the Government for bringing such an excellent Budget and, to the Honourable Financial Secretary, I commend you Sir, and I say, keep up the good work for the people of this country.

Thank you, Madam Speaker.

THE SPEAKER:

The Honourable Member for Tourism, Environment and

Planning.

HON. THOMAS C. JEFFERSON:

Thank you, Madam Speaker. I begin my contribution by offering congratulations to the Honourable Financial Secretary, the Third Official Member, on the Budget he presented to this Honourable House last Friday morning. Perhaps I can say, as someone who is qualified to speak on Government's Budgets - having dealt with them for the majority of my 21 years in the Civil Service - I can honestly say to you, Madam Speaker, Honourable Members and the listening public, this is the best Budget I have seen since 1989.

You may ask how did I come to that conclusion? Well, it is a balanced Budget. It is a Budget that is realistic in its Revenue expectations for 1994. It is a Budget that has held Recurrent Expenditures within reasonable limits. It is a Budget that stimulates the construction industry and, naturally, the economy as a whole, and it is a Budget that honours all our statutory or legally mandatory payments, and, yes, it is a Budget that proposes significant capital works for 1994. This 1994 Budget also includes some revenue enhancement measures in an area that only affects travel or work permits, which should not be hard for any individual or business to bear. It is also a Budget that provides essential new services to this country.

Madam Speaker, unlike the Budgets of 1990, 1991 and 1992, this Budget provides over \$12.4 million from local revenue sources to fund the \$20 million, or more, of capital works proposed. Madam Speaker, perhaps to add a little more clarity to the point, the 1994 Budget proposes that Government will earn \$143.2 million, it will spend \$124.2 million on Recurrent Expenditure, that is wages and salaries, and other operating expenditure of Government's Departments. It will also spend \$12.4 million in loan repayments and pension, \$10.4 million representing the repayment of loans - where the repayment of Cayman Airways' \$16.6 million recapitalisation loan requires a \$3 million repayment in 1994 - this loan, which the previous Government created the mess that required a loan, but found that they could not convince the banks to lend them the money. So, Madam Speaker, the 1994 Budget proposes that Government will earn \$143.2 million; will spend \$124.2 million on Recurrent Expenditures; and \$12.4 million on Statutory Expenditures; and will have after all of that expenditure \$12.4 million to fund Capital Expenditure Works. Now how is this different from 1990, 1991 and 1992?

When we compare what the Local Revenue in 1990, 1991 and 1992, provided for the funding of Capital Expenditure from Local Revenue, we see that in 1990, rather than having \$12.4 million surplus, 1990 produced a deficit of \$1.2 million. That is right, Madam Speaker. When the Government had to pay for its Recurrent and Statutory Expenditures of \$103.8 million, it only produced \$101.8 million in Revenue. So from 1990, the Government, in my view, stopped listening to sound financial advice and decided it had the expertise to deal with all financial matters. The Government ended that year with a \$14.9 million deficit.

I am looking at the position in 1991. That Budget produced \$1.8 million of excess Local Revenue to fund Capital Expenditures and resulted in another deficit of \$15.4 million. When we come to the 1992 comparison, it shows Revenue of \$120.4 million, and total Recurrent and Statutory Expenditures of \$124.6 million. Thus another deficit of \$4.2 million resulting, when you try to fund the Capital Works, in a deficit in 1992 of \$21.1 million. If we were to add all of these deficits together, Madam Speaker, and I will go over them just for clarity - in 1990, \$14.9 million; 1991, \$15.4 million; 1992, \$21.1 million - it amounts to \$51.4 million in three years - \$51.4 million of expenditures that this country did not earn.

On the background, Madam Speaker, at the end of 1989, the Government had \$18.2 million in General Reserves, and \$11.8 million in the Surplus and Deficit Account, or total cash in the bank of \$30 million. At the end of 1992, there remained \$10 million in General Reserves and over \$7 million in the Deficit Account, or a total cash position, at the end of 1992 of \$3 million. I might add that in 1990, 1991 and 1992 there was significant borrowing by the Government. So when we look at the total position that we found when we arrived almost a year ago, Madam Speaker, we had over \$7 million in the Deficit Account; a Public Debt of \$15.8 million; self financing loans of \$27.1 million, and contingent liabilities, that is, Government guarantees mainly, of \$80.5 million, making a total Government obligation of \$130.4 million.

When we took office on the 25th November, 1992, and began to deal with Cayman Airways, and, may I put it, jump starting the tourism arrivals to the Islands in 1993, and the Government financial position among other things, we found the position worse than we estimated. But, together with my colleagues, Members of the National Team, the Executive Council Official Members, the Heads of Departments and Principal Secretaries and staff, we have turned around this dangerous financial road of deficit after deficit, and borrowing after borrowing, that the Government was speedily travelling on. So when we began to deal with the 1993 Budget early this year, we took a decision to use approximately \$7 million of the General Reserves to clear off the Deficit Account so that we could start afresh with approximately \$3 million or \$3.2 million left in the General Reserve Account, thus avoiding paying interest on the Overdraft Account which is always higher than what would be earned on a fixed deposit or the General Reserve Account. We also took the decision to only do capital work that the country could fund from Local Revenue. That decision, I believe, Madam Speaker, we can see today, started a change in the fiscal responsibility of this present Government.

While dealing with the 1993 Budget Madam Speaker, we discussed the Budget for days and nights and were perhaps tempted to sleep with it under our pillows trying to find a reasonable answer, or solution, to a balanced Budget. We cut, in consultation with Civil Service, the Heads of Departments and others, and we produced a balanced Budget with an estimated surplus of roughly \$306,000. During this year, Madam Speaker, we paid \$2.7 million for Cayman Airways' loan, which we did not budget for as we did not know, at that time, whether a repayment would be required in 1993 and, at that stage, even whether the banks would agree to lend it to us in 1993. Otherwise the Surplus would have been roughly \$3 million rather than, \$306,000. But as a result of making this payment, Madam Speaker, we estimate to end this year (1993) with a half of a million dollar deficit - a very significant difference than previous years, given the figures I earlier mentioned.

The Budget of 1994, produces, after including revenue



enhancement measures, \$12.4 million, I repeat, to fund capital works of \$20.2 million. The Government, Madam Speaker, we believe, having gained control of the Government's finances by staff reduction, by amalgamations, by other reductions of expenditures and making sure that we exercise prudence in spending our few dollars, we believe that the financial position of the Government is now into a stable arena. We are now in a financial position to move forward and to carry out needed infrastructural developments and also to assist to stimulate the economy by providing more construction, as well as road works. Some Members say, I believe I am quoting them correctly, "it was not enough", some call it, "Lack of hope", some mentioned, "Uninspired Budget". But I ask them, or anybody else, Madam Speaker, when last did we see a Capital Budget in this country of \$20 million? I believe if we take the time to do the research, Madam Speaker, we will find that it has never happened in history. I wonder how much in their mind is enough, or how much we need to put forward to convince them that there is hope?

This Capital Works is Government's commitment to honour, yes, another National Team promise. Yes, it is to stimulate the economy. I believe we have stimulated the economy significantly by the bumper year we are having in tourism arrivals. That stimulation, Madam Speaker, I believe is the main activity we have in the economy today. The decline in tourism arrivals over the last two years needed to be turned around and with the help of Almighty God, and all the people working with us, I believe no one can say it has not turned around - some people might like us to be in that position. That turn around, Madam Speaker, in the tourism arrivals, has provided much stimulation to the industry and all businesses connected with it and I challenge anybody to tell me and prove to me that that is not so.

We realise that while the financial sector continues to grow, and we now have tourism providing the best arrivals ever in history, there is another sector that requires stimulation to complete the National Team's promise, and that is the construction industry and its related real estate market. So, Madam Speaker, we are addressing the stimulation of that industry and its relative by using a two-pronged approach; 1) to carry out significant Government capital work; and, 2) to roll back the Stamp Duty to its recent percentage, returning it to the 7.5% where it was for many, many years. That is to make all land transactions, or property transactions, be subject to 7.5% of Stamp Duty as it was before. We have lots of letters from the real estate market that encouraged us to go that route. But to be clear there still remains the land transfers for natural love and affection which requires only a small Stamp Duty amount, either \$50 or \$75, I have not checked it. This is where close family transfers land among themselves as a gift, that is, father to daughter or son, or mother to daughter or son, or grandparents to their grandchildren. No change is recommended here or put forward here. This remains for our local people to take advantage of, provided the cases are justified, provided it is a gift and no remuneration takes place in the process of the transfer.

We will do all of this, Madam Speaker, to ensure a healthy economy creating jobs, bigger profits, and revenue also for Government. When the economy, if I could put it this way, is firing on all eight cylinders everybody is happier, the complaints start to reduce and even our burden reduces. This Government must ensure that all people in these Islands benefit from our prosperity. It is the ingredient required to preserve our social harmony and our cherished way of life.

I am personally optimistic that when the Stamp Duty returns to 7.5%; the Government's capital works; a buoyant tourism industry; and an aggressive approach to marketing the attractiveness of the offshore financial industry in 1994, which is being proposed by the Honourable Financial Secretary, this, when put together, will be a good year for the Cayman Islands in 1994. Perhaps this is a good time too, to say that I am in total agreement with the Honourable Financial Secretary, when he pointed out in his Budget Address that we need to keep the minds of the international financial community focused on the Cayman Islands. Professional marketing by holding conferences, by keeping under constant review our legislation and having the courage to reduce fees, where necessary, to maintain our competitive edge, I believe it to be the way forward.

Earlier this week, Madam Speaker, I had to make an official visit to the British Virgin Islands. It brought home forcefully to my mind, the Cayman Islands about 1978 or 1980. 'Let us not be too sure of ourselves', was what I said to myself. What is happening in the British Virgin Islands is not just somebody waking up one morning and doing it - it is a planned programme. It is a former Financial Secretary who is now running our equivalent of the Departments of Financial Services. I happen to know the young man and respect his abilities, so we need to move on with the many things that the Honourable Financial Secretary is proposing. I am sure that the professional financial services provided in the Cayman Islands are unequalled to any part of the Caribbean. But let us not try to sell ourselves only on that - the customer generally goes where the cost is less.

May I point out also, Madam Speaker, that several weeks ago we indicated that we had established an Economic Council with members, primarily from the private sector, and a mixture of local and non-Caymanian personnel. I have been called from time-to-time and asked, "Who are these members?" At the time I was unable to answer, simply because all the members had not accepted the invitation to be a member of the Economic Council. But I am happy to be in a position to now say who they are Madam Speaker. They are: Capt. Charles Kirkconnell, Mr. David Foster, Mr. Anthony Travers, Mr. Joel Walton, Mr. James Cleaver, the Honourable George McCarthy, Mr. Brian Butler and Mr. Cyrus Perscard - all people in the industry drawn for their own particular specialisations, and for their economic or financial contact, persons who can bring to bear expertise in providing advice to the Government. There are other persons who are being considered to be members of this Council. I believe the Cayman Islands have reached the mature stage to have an Economic Council. This is another getting together of the private sector and Government to provide advice which will help to maintain a buoyant economy in these Islands.

May I turn now to my Portfolio and Departments? Madam Speaker, 1993 - and I do not believe we can say this too often - has been a very positive year for tourism in the Cayman Islands, especially following on two lackluster years. Through September of this year, visitor arrivals stood at 212,234, compared to 179,712 for the same period in 1992, or an 18% increase. Cruise ship passenger arrivals

were 438,301 through September 1993, against 442,752 in 1992, or a 1% decrease - being mindful, however, that 1992 was an exceptional year for cruise ship arrivals and boasted a 29% increase over 1991. Our major market, the United States of America, which represents 82% of our total arrivals through September 1993, represented a 22% increase over previous years. The Japanese and United Kingdom markets both also showed positive growth of 32% and 24% increases respectively. Canada and Europe, through September, were down 1% and 2% respectively.

The Department of Tourism's mail sales effort continued through our international network of offices and was directed at the travel trade with more focus than ever before on our prime producing agents. With the continued development of our present research data, our sales force has been able to concentrate on agents catering to clients with a greater likelihood of visiting the Cayman Islands. Our main overseas promotions continue with greater emphasis placed on our top ADI, that is, Area of Definitive Influence, and geographical areas. Breakfast seminars have also shown to be a very cost effective method of updating and training travel agents, especially in our smaller feeder markets. Travel and Trade Consumer Shows also continue to play an important role in our sales efforts, especially in our vertical and niche market segments, such as dive, honeymooners and fishing.

In early 1993, Paramount Pictures, as we all know, came to Grand Cayman for approximately three weeks to film *The Firm*. The Department of Tourism had been working with Paramount for some time, helping to arrange the many logistical factors that come into play with the marketing of a major feature film. Apart from the local arrangements, the Department of Tourism cooperated with Paramount on a merchandising and sales promotion programme where the Cayman Islands were featured prominently in publicity events prior to releases. While it is difficult to gauge precisely the effect this film will have on visitor arrivals, there can be little doubt that it has created a greater awareness of the Cayman Islands in our major markets - publicity, that, perhaps, I could add, this country certainly could not pay for, given the box office totals that I have heard of, over \$100 million earned (as of the last figures - which were two to three months ago), so it converts into several people seeing the film and seeing the Cayman Islands on screen.

The Department of Tourism and the Caribbean Tourism Organisation cosponsored the Third Caribbean Conference on Eco-Tourism, which highlighted the Caribbean Sea, our heritage, our future, and was held at the Raddison Resort in May. The Cayman Islands received tremendous exposure from the conference with some 250 delegates from major international press agencies, cruise lines, wholesalers and other Caribbean countries participating. Much attention was given to the Cayman Islands' effort on preserving its environment with Marine Park Legislation, as well as the amendment to the Law with regard to the penalty for discharging harmful effluents into our waters being brought up to international standards. All in all, the Cayman Islands were seen as the leader in the Caribbean on the preservation of marine and national heritage and the promotion of eco-tourism, the latest trend in travel.

The Department of Tourism continued to participate in the development and promotion of locally based projects, such as our Pirates' Week festival. I know that the population is growing, Madam Speaker, but I believe this is the largest gathering of people I have seen at the Pirate's Week festival, which happened this year. Also Batabanno carnival, Aviation Week, Million Dollar Month, and the Silver Fish Bowl Tournament for top United States National Football League Players, among the areas of support for the production of brochures and distribution direct mail campaigns, press releases and the media placement of advertisements in key trade and travel journals. Tourism Awareness Week, which emphasises the widespread importance of this major industry to the continued prosperity of our Islands, was held in early October.

Special emphasis was placed this year on the Education of our youth, with television quiz shows being one of the many highlights. Key people from the Tourism Industry were recognised for their contribution to our success with two special gold plaque awards being presented for the first time. Two major events, or fairs, were scheduled and held this year in both Cayman Brac and Grand Cayman. So, members of the public question why we did not present the Golden Thatch Award to the late Mr. Jim Bodden. Madam Speaker, I accept the blame - if there is any. I was simply trying to recognise former Members of Executive Council, who are still with us, for their contribution to this country. In other words, giving them the recognition while they are here to accept it. It should not be interpreted by anyone that I do not understand and appreciate the major contribution made to this country by the late Mr. Jim Bodden. He was a good friend of mine and I believe that he was certainly one of the best, if not the best of brains for marketing these Islands to the outside world. The Government, I am sure, will honour the late Jim Bodden in another way soon.

THE SPEAKER: Honourable Member, would you take a break at this time?

HON. THOMAS C. JEFFERSON: Certainly, Madam Speaker.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:45 P.M.

PROCEEDINGS RESUMED AT 4:04 P.M.

THE SPEAKER: Please be seated.  
The Honourable Member for Tourism, Environment and Planning, continuing.

HON. THOMAS C. JEFFERSON: Madam Speaker, when we took the refreshment break, I was on

the subject of tourism and, in particular, making my comments on Tourism Awareness Week, which I had completed.

Cooperation continued with our private sector partners, including the Cayman Islands Hotel and Condo Association, and Cayman Islands Watersports Operators Association, with our annual Travel Agent Familiarisation Trip Programme, The Destination Guide and the Name the Sting Play City competition. It is hoped that a programme developed jointly with the Chamber of Commerce will materialise in late 1993 or early 1994, geared at cruise ship passengers and promoting the various activities and shopping experiences in Grand Cayman.

The super-fund concept was reestablished in 1993 where joint cooperation between the Department of Tourism, Cayman Airways and Certified Vacations enabled cost-effective newspaper advertising in key markets, promoting special package holidays for Cayman Airways' gateways. Sometimes it appears that some Members think packages are a bad thing, and it is just now starting. Packaged tourism in this country, as long as I have been connected with it, has been around for many, many years. Transit advertising also continues to prove useful, especially in our major metropolitan markets in the winter season. Advertising continues to play a vital role in our efforts, with the main thrust of our marketing strategy being directed to consumers as well as trade. A mix of media continued to be deployed with Television broadcasts to major gateways, as well as national cable buys on CNN and A&E. Print continues to account for the majority of our media budget with emphasis on the up-scale travel/epicurean shelter, and vertical markets, that is, dive, honeymoon and fishing publications, on a national and regional level, as well as weekly trade newspapers.

The Cayman Islands reservation system, or service, which is based in a Coral Gables Office in Miami, continues to develop and has become a more effective sales tool for the smaller hotels and condos on the Island, in addition to handling our 800 number information inquiries.

Our National Flag carrier, Cayman Airways, underwent (as most of us know) major down-sizing in 1993 with the elimination of the New York/Baltimore route in April. Cayman Airways, by mid 1993, was back to a two aircraft airline. Due to this situation, as well as the increase of flights by other United States carriers, significant changes have occurred to our visitor arrival delivery system. No longer does Cayman Airways bring the majority of our visitors. As a matter of fact, from January to June of this year Cayman Airways brought only 30% of our visitors. Perhaps the country will understand why the Member for Tourism wants to deal with all airlines, not just Cayman Airways.

These factors obviously affect the marketing strategy of the Department of Tourism, which must be cognisant of this major element effecting our overall efforts. Cayman Airways, however, continues to be featured in our advertising as the preferred carrier. The Department of Tourism is working with the other carriers in areas that are not prime targets, or gateways, for the National Carrier.

Significant personnel changes came about within the Department of Tourism in 1993, especially in our overseas offices. A new Director of Sales and Marketing was hired from within our organisation; a new Regional Manager in London, Miami and Chicago came about due to either retirement or vacancy; the Miami head office was also strengthened with the addition of a Manager of Special Promotions. With all of these changes, we have been able to provide traffic to these Islands, and if I were to tell you that the October figures show a 19% increase to date, all of these changes that have taken place with personnel in the various offices around the world, I believe, shows that we have a handle on it. Some people might not want to give us that credit, but it is there.

On a local level, with Government's initiative to reduce the Civil Service, the Department of Tourism, small though it was, closed the Craft Market Information Centre in George Town, thereby eliminating one Clerical Officer position, and also agreed not to fill another Clerical Officer position in the head office. So, even though we are doing all of this promotion and gaining ground, we were willing to give up a few members of staff in accordance with the wishes of Government.

Miss Cayman continues to be a key member in major Department of Tourism overseas promotions, and is also positioned in our local office when in Grand Cayman. In efforts to showcase our people, as well as to expose them to what goes on in our overseas promotion, local tourism ambassadors from the watersports and cottage industries have also attended and participated in promotions and this has been very well received. There still are possibly four, I call them ambassadors, who will be journeying on promotions early in the coming year - two, I believe are from the district of North Side.

The three year hotel moratorium placed on the construction of new hotels in the Seven Mile Beach area expired in June 1993. While incentives continue for development outside this area, new properties coming on line in the Seven Mile Beach area is now a definite possibility. The Safe Haven Links Golf Course saw significant progress and it is expected that the Cayman Islands will have its first 18 Hole Championship Course partially opened for the winter season.

Rankine's Airport Inn also opened in 1993, offering visitors convenience and attractive prices. The Grand Pavilion, which has been closed for some time was sold and has begun its renovation and remodeling deemed necessary by the owner.

This Government, coming back to the lifting of the moratorium, wishes to attract another four or five star hotel to provide additional rooms and the quality of service we require. We do not need any fly-by-night operations. We do not need any chain hotels that are not of the quality of a four or five star. I shall be bringing to this House, in the not-too-distant future, an amendment to the Development and Planning Law, which will provide (and, hopefully, Members will support me), or make possible that the Executive Council, or the Government of this Country, can issue directives to the Central Planning Authority and go along these lines. So it is clear, for anyone who wants to invest in a hotel in the Cayman Islands, from day one, what it is that Government wishes in terms of a hotel, what quality we are looking for, so that investors do not waste their time. Those who are willing to put in a four or five star hotel, let us put them on the fast track and not frustrate them in

any way.

On January 1st, 1993, the responsibility for collecting tourist-related revenues, namely, the Tourism Accommodation Tax; the Cruise Ship Tax; Tourist Reservation Fees and Hotel License Fees, was transferred back to the Treasury Department, as well as the Officer who was responsible for the day to day collections. I think it is important, when you are wishing to gain cooperation from many of the people in the hotel industry with advertising and many other aspects, that we do not get caught in between that exercise and pressing someone for our money - let another Department ably do the exercise, and the Treasury, I believe, is the right place.

The Department of Tourism continues to be responsible for the approval of cruise ship calls and the preparation and distribution of schedules. An historic first meeting between the Cayman Islands Tourism Officials and the senior executives of the Florida Caribbean Cruise Association was held in Miami in 1993. Direct contact and dialogue was established for the first time, I believe, and many issues of mutual concern and interest were raised, discussed, and action determined. Follow up meetings continue to be held which can only benefit the Cayman Islands and those who are involved locally in this sector. At this meeting, the senior executives of the Florida Caribbean Cruise Association agreed with the Government's wish to increase the cruise ship tax from \$5 to \$6. That is the way this Government should go about increasing fees - by talking, and having dialogue with the relevant organisation, rather than in a vacuum, arbitrarily upping a fee and saying, in essence, "Take it or leave it, this is what it is." That is not this Government's approach.

Just to make one point, Madam Speaker. Just last week, there was an incident at the Port where a Cruise Director, the Port Authority Officials, and a taxi driver had a pretty heated argument. This is part of the things we discussed at the table at that first meeting. We feel confident that having first obtained the report from the Port Authority on that incident, and having transmitted it to the Florida Caribbean Cruise Association office, and asking for an investigation of this cruise director, we have dealt with it in a manner to ensure that this type of incident does not happen again by the same individual. I am certain that we will get a response, Madam Speaker.

But one of the difficulties in dealing with incidents of this kind is that one needs a written report. We cannot call up someone and say, "John Brown told me that the cruise ship director was arguing with the dispatcher and telling off the taxi driver", you will get nowhere with that approach. It must be a documented report of the incident, and I feel confident that if it is in a report form they will take the necessary action.

Coming to 1994. Among the key plans for the coming year is a computer networking of the local Department of Tourism Office. This will help ensure that vital research data is more easily accessible and the flexibility of a system whereby the manipulation and analysis of data trends are more easily retrieved and carried out. This system would also allow for more research functions to be done locally, thereby realising significant cost savings.

The integration of our Immigration Data Base and our prism research is also considered a priority for 1994. In early 1994, Madam Speaker, a new advertising campaign will be launched creating a greater awareness of Caymans' safety, warmth and friendliness, our marine and terrestrial conservation efforts, as well as the prime ingredient - our people. These advertisements will start in print but eventually encompasses broadcast as well.

Media strategies will be adjusted due to our delivery system change. Greater emphasis will be placed in other top markets, not necessarily served by Cayman Airways. Some of these cities include, Boston, Detroit, Denver and Chicago. A new Public Relations and Publicity agency is expected to be in place by January 1st, 1994. The new agency will have to be creative and must show ability in establishing greater awareness of the Cayman Islands through special projects and events, as well as other normal public relations functions, such as press releases and media contacts.

The Department of Tourism will continue its efforts at maximising hotel and condominium occupancies and increasing lengths of stay, as well as to place special emphasis on promoting what have traditionally been slow periods. The Cayman Islands' market base has also always been heavily dependent on the United States market, and efforts will be made to diversify into other promising and potential areas, such as Japan and Europe. A major promotional tour of Europe is scheduled for 1994 with a view of also establishing representation in Spain. Presently we have representatives in Germany, Belgium, and in Italy.

The Department of Tourism will continue to support efforts locally to develop quality attractions, such as the Botanical Park, Pedro's Castle, and others, as these attractions help to strengthen our product and offer a greater variety of things to do for visitors.

The Department of Tourism will continue to cooperate with the private sector to develop new programmes for 1994, including the Cayman Islands Watersports Association's advertising insert in the "Skin Diver" magazine, collateral material, and fulfillment programmes with the Cayman Islands Hotel and Condominium Association, and the cruise ship promotions with the Chamber of Commerce. Our efforts will continue to be targeted more selectively at up-scale visitors with a sole income of \$75,000 and more, and who fit into certain socio-demographic profiles. It is very important that the Department of Tourism continues to target individuals who appreciate what we have to offer, and who will treat our people and the environment with the respect that they deserve.

The Cayman Islands will continue to be promoted as one destination with three distinct Islands - Grand Cayman, Cayman Brac and Little Cayman - each having its own unique character. Limits will continue to be placed on the number of charter seats available to the Cayman Islands as, while we feel there is definitely a place or market for this sector, the Cayman Islands have no wish to become overly dependent on charters, nor wishes to become known as a heavy charter destination, as this could tarnish

our upscale image in the long term.

The dynamics of our delivery system has changed, as mentioned before, but, overall, there will be significantly more airline seats into the Cayman Islands in 1994 than ever before. This is due to the increase in the United States' scheduled carriers, as well as the approval of a new charter from the United Kingdom in the summer of 1994. The only known significant increase in the number of rooms available locally will be the Clarion Grand Pavilion opening, with 88 rooms as we understand it, early in 1994.

The Cayman Islands will be served by Cayman Airways, Northwest, United Airlines, American Airlines and US Air, with a number of charters operating in 1994.

#### MOMENT OF INTERRUPTION

**THE SPEAKER:** Honourable Member, it is now 4:30. Will you be able to complete your debate if the moment of interruption is deferred for another 15 minutes, or half of an hour?

**HON. THOMAS C. JEFFERSON:** I doubt it, Madam Speaker.

**THE SPEAKER:** Would you then move the motion for the adjournment of the House?

#### ADJOURNMENT

**HON. THOMAS C. JEFFERSON:** I am pleased, Madam Speaker, to move the adjournment of this Honourable House until 10 o'clock, Wednesday morning.

**THE SPEAKER:** The question is that the House do now adjourn until Wednesday morning at 10 o'clock. Those in favour please say Aye... Those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., WEDNESDAY, 17TH NOVEMBER, 1993.

#### QUESTIONS NOS. 196, 197 & 198 ANSWERED IN WRITING (as a result of the Member's absence)

No. 196: THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING: How many buildings and/or lands has Government sold since January 1992 to 31st August, 1993, and total revenue received.

**Answer:** Since January, 1992, Government has sold eight houses and one parcel of land. The total revenue received from these sales was C\$730,000.00 and is broken down as follows:

Parcel 22E Block 41 (House in Tropical Gardens)	C\$84,000.00
Parcel 14BH Block 96 (Land)	10,000.00
Parcel 44B Block 83 (Teachers Cottage, Bodden Town)	60,000.00
Parcel 38B Block 47 (House, North Cayman Palms)	80,000.00
Parcel 28B Block 46 (Duplex)	115,000.00
Parcel 7C Block 16 (House)	110,000.00
Parcel 15B Block 9 (House)	108,000.00
Parcel 20D Block 70 (House)	88,000.00
Parcel 14D Block 21 (House)	75,000.00
<b>Total:</b>	<b>C\$730,000.00</b>

No. 187: What progress has been made in finding an alternative education system for the Cayman Islands?  
**Answer:** We are not looking for an alternative education system.

No. 198: What undertaking has been given by the St Ignatius Catholic School in meeting Government's stipulation regarding entrance and 2897  
**Answer:** The St. Ignatius Catholic Church, which will be responsible for the Catholic High School, has given the undertaking that it will meet the conditions set down under the guarantee for the funds recently granted to them.

### WEDNESDAY 17TH NOVEMBER, 1993 10:05 A.M.

**THE SPEAKER:**  
Prayers.

I will ask the Fourth Elected Member for George Town to say

#### PRAYERS

**MR. D. KURT TIBBETTS:**

Let us Pray.

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

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

**THE SPEAKER:**  
Assembly.

Please be seated. Proceedings are resumed in the Legislative

#### ADMINISTRATION OF OATHS OR AFFIRMATIONS

##### OATH OF AFFIRMATION

James M. Ryan, MBE  
(To be Honourable Temporary First Official Member)

**THE SPEAKER:** Oath of Affirmation of Mr. James M. Ryan, MBE, to be the Temporary First Official Member. Mr. Ryan will you come forward?

**HON. JAMES M. RYAN:** I, James Montgomery Ryan, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to Law.

**THE SPEAKER:** Please take your seat, Honourable Member.

#### ANNOUNCEMENTS BY THE PRESIDING OFFICER

##### APOLOGIES

**THE SPEAKER:** The Honourable Temporary First Official Member, having taken his Oath of Office does so due to the absence of the substantive holder of the post. Apologies have, therefore, been received from the First Official Member and the Fourth Elected Member for West Bay. The Third Official Member will be arriving later this morning being required to open the Bankers Association Conference.

Proceeding with Questions to Honourable Members. The first question is Deferred Question No. 174, which stands in the name of The First Elected Member for Cayman Brac and Little Cayman.

#### QUESTIONS TO HONOURABLE MEMBERS

##### DEFERRED QUESTION NO. 174

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 174: To state the number of licences issued and valid covering television broadcasting in the Cayman

Islands.

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker. Only one company, CITN, has a valid, permanent licence for UHF, or free over-the-air broadcast services in the Cayman Islands. CITN also has a temporary MMDS or cable service licence to broadcast ten cable channels. Two other licence applications are currently being processed and it is expected that CTS will be granted a temporary UHF licence shortly.

**SUPPLEMENTARIES:**

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

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. I have a Supplementary. Will the Honourable Member state if this permanent licence granted to CITN covers broadcasting in Cayman Brac as well?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Yes, it does, Madam Speaker, and I continue to press them for service there, which I understand will start fairly shortly.

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

**CAPT. MABRY S. KIRKCONNELL:** Supplementary, Madam Speaker. Will the Honourable Member state if there is any time frame, or deadline, as to how long they can transmit without broadcasting facilities in Cayman Brac?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, legally they are in breach of that part of the contract. But I have had an undertaking from them that within another month and a half they will clear up the problems that they have and they will be on the air. I will continue to press them towards this effect.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. The Honourable Member has said that a temporary licence has also been granted to 10 cable channels. I wonder if the Honourable Member is in a position to say when a permanent licence for this might be granted?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, negotiations are reaching a final stage and I would hope that in the fairly near future it would be possible to grant a permanent licence to CITN on the MMDS. What I say here, however, is subject to contract, and subject to negotiations. I do not want any misunderstandings as to the legality of the present position that we are at.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if any investigations have been carried out to see that there is no breach of international copyright laws, as far as these cable channels are concerned?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, one of the terms of the licence is that there should be no breach of copyright laws. Unless the Member can be very specific on anything - which, if I can answer, I would.

**THE SPEAKER:** The Member for North Side.

**MRS. EDNA M. MOYLE:** Would the Honourable Member say when the people of the district of North Side will be getting television? Some of them have paid for this service and are not receiving it.

**THE SPEAKER:** The Honourable Member for Education and Culture and

Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, I would have expected if members of the public have paid they should be getting their television. By all means, I will go into this and assist the Honourable Lady Member, as far as I can, on anything in this matter. I will also call the television company on it.

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

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. Supplementary. The temporary MMDS licence, are there any provisions in that which will offer this service to the Sister Islands?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Yes, Madam Speaker, they should be offering some of the channels to Cayman Brac and Little Cayman. I am not too certain how, exactly, the position is in relation to Little Cayman, but it is covered under the licence, and I can assure the Member of that.

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

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. Seeing that the contract with CITN is presently in breach by not providing service to Cayman Brac, would the Honourable Member give his assurance to the House that a permanent licence will not be granted until that particular obligation in the contract is met?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, a permanent licence is granted by Executive Council. All I can say to the Member is that it will be borne in mind when that time comes.

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

**MR. GILBERT A. McLEAN:** For clarification, Madam Speaker, is the Member telling the House that a permanent licence might be granted by Executive Council without that clause being met, that is, provision of television to Cayman Brac and Little Cayman?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, that is an opinion that I do not know if I am, at this stage, in a position to answer. All I can say to the Member is that his worry in relation to the licence will be passed on to Executive Council, which consists of seven Members and one Chairman.

**THE SPEAKER:** The next question is Deferred Question No. 175, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

#### DEFERRED QUESTION NO. 175

**THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

No. 175: To say whether licence holders have a legal obligation to provide at least one free television channel to residents on Grand Cayman, Cayman Brac and Little Cayman.

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** The answer is yes. The licenced area for both the UHF and MMDS channels means Grand Cayman, Cayman Brac and Little Cayman.

**SUPPLEMENTARIES:**

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

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. Would the Honourable Member address my concern in that a permanent licence has been issued without broadcasting facilities on Cayman Brac, and will he endeavour to see that this is done as early as possible?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and

**HON. TRUMAN M. BODDEN:**

Yes, Madam Speaker, the permanent licence was issued in October 1992, and I would have hoped that the then Government would have given the assurances to that Honourable Member. I am picking up the pieces, so to speak, but I will assure you that I am going to press it, and I will have television into Cayman Brac, one way or another, in the near future. That is really the most I can undertake to do.

Yes, Madam Speaker, the permanent licence was issued in October 1992, and I would have hoped that the then Government would have given the assurances to that Honourable Member. I am picking up the pieces, so to speak, but I will assure you that I am going to press it, and I will have television into Cayman Brac, one way or another, in the near future. That is really the most I can undertake to do.

**THE SPEAKER:**

The next question is Deferred Question No. 176, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

#### DEFERRED QUESTION NO. 176

**THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 176:** To set out the terms of the television licences issued and to include the areas to be covered by broadcasting companies.

**THE SPEAKER:**

The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:**

Two types of licences may be granted; one, under the Broadcasting Law for a free UHF service, and the other under the Radio Law for a subscription MMDS cable service. Each of the licences has over 50 conditions regulating in detail both the licences and the programming. The most significant of the conditions are as follows:

1. CITN's UHF licence was granted for five years. So far, only temporary MMDS licences have been issued. In the temporary licence, Government has stated its intention to negotiate in good faith with the licensee with a view to agreeing a long term licence.
2. The licensees must pay Government a licence fee of \$1,000 for each assigned channel, together with 7.5 per cent of gross revenue.
3. Broadcasting must be throughout the Cayman Islands.
4. The licences are not exclusive and give the licensees no right to any monopoly. They cannot be transferred or assigned to any other person without Government's consent.
5. There must be at least 16 hours of broadcasting each day. The UHF service must provide a mixture of news, weather, sports, information and entertainment programmes.
6. No material may be broadcast which is seditious, blasphemous, obscene or otherwise unlawful, or which would tend to endanger security or undermine public morals.
7. The consent of programme suppliers must be obtained before programmes are broadcast.
8. Fees for MMDS cable television must be reasonable.
9. The licences may be deferred if there is any breach of the conditions.

#### SUPPLEMENTARIES:

**THE SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. Madam Speaker, I would like to ask the Honourable Member if in the Government's carrying out its obligations in granting these licences, particularly where the MMDS cable service is concerned, whether there are any legal obligations on the Government to investigate to ensure that there is in place legal permission from the various networks that broadcast television to the people who are rebroadcasting here in the Cayman Islands, and that the Cayman Islands is not, in any way, in breach of any international copyrights or conventions?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:**

Madam Speaker, as is mentioned in the answer, at paragraph

number 7, yes, there is a very clear obligation on the licensee to ensure that he has the consent of the persons whose programmes are being rebroadcast. It is a very clear condition of the licence.

**THE SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Can the Honourable Member say if the Government has received any complaints from broadcast networks, particularly in the United States, that there has been a breach of clause 7 in this agreement?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:**

Madam Speaker, while that is very wide, the answer is I do not have any written complaints of breaches.

**THE SPEAKER:**

The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:**

Thank you, Madam Speaker. I wonder if the Member is in a position to give reasons why the MMDS licences that have been issued are temporary, and not long term at this point?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:**

Madam Speaker, the last Government set the pace for this whole transaction. When I picked it up, there was broadcasting on some of them without any type of licence. What I have tried to do is to follow, as near as I could, the format that had been stated to those licensees and to honour that format. This did require temporary licences to be issued. I think the issuing of temporary licences first is proper and I do not criticise the last Government for their approach in that respect. I would just like to point that out.

**THE SPEAKER:**

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, could the Member say if his Portfolio has received any correspondence from one Mr. Larry E. Ressler of Motion Picture Export Association of America, Inc., or any communication from a Mr. Michael Snell of the British Embassy in the United States, regarding the question of these rebroadcasts and these possible breaches of copyrights? And, how is it that he is not aware of these things?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:**

Madam Speaker, since the Member is referring to a document, perhaps he would let me see the correspondence with the British Embassy. I know of the company that is being referred to, I am just wondering how correspondence with the United Kingdom Embassy in Washington, that he is referring to, is in his hands - may he please lay it on the Table?

**THE SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, I did not say it was in my hands. I asked the Member a question regarding whether he had seen correspondence from those two persons. He had said earlier that he was not aware of any such complaints or correspondence, and I am asking him why, when he was supposed to have known of such correspondence from those two parties?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:**

Madam Speaker, since the Member who has specifically used this part of "Mays Parliamentary Practice" in a previous matter against one of the Government Members, I am asking him that if he has correspondence with the United Kingdom Embassy in Washington, which I believe he is holding something in his hand there, would he please lay it on the Table? Let me look at it.

**THE SPEAKER:**

I do not think I will allow Members to proceed any further. If the Second Member for Cayman Brac and Little Cayman has any other information that he would like to discuss, but it will not be used during Question Time.

**THE SPEAKER:**

The next question is No. 202, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

## POINT OF ORDER

**HON. TRUMAN M. BODDEN:** Madam Speaker, may I just ask, on a Point of Order, are you saying that the reference to the document - the Member need not lay it on the Table, in accordance with the ruling that you did under "Mays"?

**THE SPEAKER:** The Member has not indicated that he has a copy of it. I have not heard him quote from it. He has just mentioned the names of people. He did not quote from a document. So I have said that nothing further will be continued on this point during Question Time. The next question I have called for is No. 202, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

## QUESTION NO. 202

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

**No. 202:** What mechanism is in place to deal with the rate increases by Cable and Wireless (WI) Limited and Caribbean Utilities Company Limited, for reviewing their accounting systems on behalf of the public by Government?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Thank you, Madam Speaker. The Government deals with Caribbean Utilities Co. Ltd.'s (CUC) rate increases by utilising two mechanisms; One, the annual return; and two, the monthly fuel adjustment factor.

**(1) Annual Return:**

In accordance with its licence, CUC can earn a 15 per cent profit on its assets employed. If the profit is over 15 per cent, CUC lowers its monthly bill to the customer, but if its profit is under 15 per cent, CUC can raise its bill to make up this 15 per cent. CUC submits a final return, usually in early August of each year. This final return is based upon the company's audited figures and is analysed by the Government. CUC does not require the approval of the Government prior to the implementation of the rate increases.

**(2) Fuel Adjustment Factor:**

In accordance with its licence, CUC submits a monthly request to adjust its per kilowatt charges based on that month by means of:

- (a) copies of suppliers' invoices, certified correct by them; and
- (b) measurements of fuel stock made by employees of the undertakers by means of readings of meters, calibrated tapes or level indicating meters.

Government reserves the right to witness the measurement of any monthly fuel stocks. In the agreement between Cable & Wireless (W.I.) Ltd. and Government, dated 13th December, 1991, clause 14.0 states:

"The Company shall establish and maintain in the Cayman Islands, in respect of its business conducted pursuant to this agreement, an account system, a business planning system and other systems for the management of information and the maintenance of commercial service and engineering standards concerning such business."

Further to the above, sub-clause 14.1 states:

"In accordance with the systems established under the preceding sub-clause, the Company shall submit to the Government:-

- (i) Annually and final audited profit and loss account, balance sheet and statement of source and application of funds;

Provided that all information so furnished under this sub-clause shall (except for the purpose of this agreement, including the determination of differences, as may be herein provided for) be treated as strictly private and confidential and shall in no way be published or publicly made use of without the prior written consent of the Company."

In regard to rates of charge, clause 19.0 states:

Second Elected Member for Cayman Brac and Little Cayman.

## QUESTION NO. 204

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES**

**No. 204:** What date is set for relocating the ambulance for the eastern districts, from North Side to the Frank Sound fire station, as has been announced?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, question No. 204 was answered in writing.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, I am not aware of any such answer being made in writing and, certainly, it is on the Order Paper. I believe his answer there could hardly be an answer to the question.

**THE SPEAKER:** I am informed by the Clerk that the answer was sent down but was not distributed because it had not yet reached the Order Paper and accordingly, question No. 204 is down for answer today by the Honourable Member.

**HON. W. McKEEVA BUSH:** Madam Speaker, I will answer the question but I am going to preface my answer with this statement: For eight years I have been in this House and questions, and for eight years (and I suspect for much longer than that) when the Meetings of the House have been finished, those questions were answered in writing. I undertook to do that, as I have done since I have been on Executive Council and, as I have said, as has been done for the eight years prior to that. I do not know why now the House did not distribute the answers to the questions that I sent down. I do not think, Madam Speaker, that our Standing Orders can fit one person when a person decides that that is the way it must go. Standing Orders must fit this House.

**THE SPEAKER:** Honourable Member, would you sit down for a moment, please? The Clerk has rightly explained the procedure that the question had not reached the Order Paper, and irrespective of what may have been done eight years ago, if irregularities occurred, it does not mean that one should continue in that vein. The question is rightly before the House, and that should be the end of that matter, unless Standing Orders are amended to provide something completely different from what it has in the past. Accordingly, would you now please answer the question?

**HON. W. McKEEVA BUSH:** As I have said, Madam Speaker, I am going to answer the question. I suspect by your rulings that all the answers that were sent down have not been sent out. As I have said, my statement will stand, and I hope that I will have more scope in another area to deal with what I claim is abuse of our Standing Orders. And, Madam Speaker, I should say that I am really tired of it because when it applies to me everybody talks about it, but when it applies to somebody else it does not mean anything.

The answer is as follows: No date has been set as yet for the relocation of the ambulance service from North Side to the Frank Sound Fire Station.

## SUPPLEMENTARIES:

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member say when a decision might be taken for the transfer of this service to the Frank Sound area?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, the answer to that supplementary is that consideration is currently being given to the feasibility of merging Ambulance Service with the Fire Rescue Service. The relocation will be considered in the Strategic Planning for the merging of these services.

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member say if it is envisaged that there would have to be increased physical facilities for this at Frank Sound, or whether it could occupy the compound of the Fire Services that presently exist?

## THE SPEAKER:

The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH:  
Sound Fire Station would be needed.

Yes, Madam Speaker, additional accommodation at Frank

THE SPEAKER:  
Cayman.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:  
have been projected for this, and what they may be to make this move?

Madam Speaker, could the Honourable Member say if any costs

THE SPEAKER:

The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH:  
yet.

Madam Speaker, that aspect of it has not been taken to me as

THE SPEAKER:  
Elected Member for Bodden Town.

The next question is No. 205, standing in the name of the First

## QUESTION NO. 205

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

No. 205: To state whether the advice of the Computer Services Department was sought during the Port Authority's search for a computer operator.

THE SPEAKER:  
Planning.

The Honourable Member for Tourism, Environment and

HON. THOMAS C. JEFFERSON:

Madam Speaker, the answer is yes.

## SUPPLEMENTARIES:

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:  
whether this person was recruited locally or whether the person came from overseas?

Thank you, Madam Speaker. Can the Honourable Member say

THE SPEAKER:  
Planning.

The Honourable Member for Tourism, Environment and

HON. THOMAS C. JEFFERSON:  
advertised the position of Computer Analyst because the contract of the incumbent was due to expire in July of this year. Two applications were received, only one of which was from a Caymanian. Using criteria provided by the Computer Services Department, the Caymanian was interviewed, but found, unfortunately, unsuitable. The contract of the incumbent was therefore renewed for another year.

Madam Speaker, in June of this year the Port Authority

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:  
us what were the criteria set down for the occupant of this post?

Thank you, Madam Speaker. Can the Honourable Member tell

THE SPEAKER:  
Planning.

The Honourable Member for Tourism, Environment and

HON. THOMAS C. JEFFERSON:  
used or sent across to the Port Authority from Computer Services. But I will undertake to provide it to the Member.

Madam Speaker, I do not have, at my finger tips, the criteria

THE SPEAKER:

Thank you.  
The next question is No. 206, standing in the name of the First

Elected Member for Bodden Town.

## QUESTION NO. 206

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 206: What courses are available at the High School level to students wishing to pursue technical and vocational studies?

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:  
High School level are as follows:

Thank you. Technical and vocational courses available at the

Cayman Brac High School:  
Certificate of Education level.

Technical - woodwork and technical drawing taken to CXE and

George Hicks School:  
economics, technical drawing and jewelry making.

All students in years 7 and 8 study woodwork, art, home

John Gray High School:  
information technology, bookkeeping, office procedures, typewriting, work experience, food and nutrition, clothing and textiles, home management, child care, commercial studies, food studies, graphical and material studies, motor vehicle studies, needlecraft, rural science, textiles, art.

Building, electrical engineering, technical drawing, woodwork,

## SUPPLEMENTARIES:

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:  
Member if the only subjects pursued at the matriculation level are those of wood work and technical drawing?

Thank you, Madam Speaker. I would like to ask the Honourable

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:  
specific on what he is asking.

Madam Speaker, I think the Member needs to be a bit more

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:  
subjects pursued at examination/certificate level in addition to wood work or technical drawing?

Thank you, Madam Speaker. My question is, are there any other

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:  
going to have to give me a bit of time to look through, because different subjects are done at different levels. There is typewriting; Pitmans Elementary; there is typewriting at Pitmans Intermediate; Certificate of Education. There is child care, commercial studies, food studies, graphical and material studies, motor vehicle studies, needlecraft, rural science, textiles at the GCSE level. Madam Speaker, I assume that this is what the Member is asking me. At GCSE there is accounting, art and design, computer studies, CDT Design and Redesign, drama, economics. On the home economics there is child care, food, textiles, information technology, motor vehicle studies, music, and applied science. So the Member, only knowing of two subjects being offered at the final examinations, he is obviously very much out of date with the school system at this time.

Madam Speaker, this is off the beaten track. The Member is

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:  
the Honourable Member should stick to answering the question. Can the Honourable Member say if these certificates at the High School level are sufficient to get students into the work force, or is it recommended that they pursue these courses at the Community College level in order to gain more experience and higher technical and vocational qualifications?

Madam Speaker, I did not say that I knew of only two subjects,

THE SPEAKER:  
Aviation.

The Honourable Member for Education and Culture and

HON. TRUMAN M. BODDEN:  
as I have stated, at the High School level. These are foundation courses, as the Honourable Member, as a teacher, should well know. The more practical side of it is done at the Community College at which, if he had come when he was invited, he would have seen the good equipment and rooms that we have up there, where a lot of the practical side, as well as work experience is carried out.

There are many, many, many technical and vocational subjects,

THE SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

**CAPT. MABRY S. KIRKCONNELL:** Thank you, Madam Speaker. I wonder if the Member would give me an undertaking that the Portfolio would look at the possibility of extending additional vocational and technical subjects to the Cayman Brac High School in order that they may be better able to enter the work force?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, I am happy to give to the Honourable Member that undertaking. It is obvious that the previous Government neglected, to a large extent, the syllabus in Cayman Brac and Little Cayman, and I would really like to assist in bringing this up and increasing the computer area, which is one area - I think the most important area - and there are funds in there for that. So I would like to discuss, with that Member specifically, how we could deal with further increasing the subject areas there.

**THE SPEAKER:** It is now 11:00 a.m. Honourable Member for Tourism, Environment and Planning.

#### SUSPENSION OF STANDING ORDER 23 (7) and (8)

**HON. THOMAS C. JEFFERSON:** Madam Speaker, in accordance with Standing Order 83, I move the suspension of the relevant Standing Order to allow the remaining question and supplementaries to be completed.

**THE SPEAKER:** The question is that Standing Order 23(7) and (8) be suspended in order to complete the remaining questions and include the supplementary for Question No. 206. Those in favour please say Aye... Those against No. The Ayes have it.

#### AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED.

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. I wonder if the Honourable Member could say whether there are any courses that are available, or if there is any leaning towards providing these courses, that are directly related to the tourism industry?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Yes, Madam Speaker, this Government appreciates the importance of tourism. Yesterday I gave an undertaking that not only would local input into the national curriculum, which would extend not just in the final years of school but throughout the upper half of the school system, will take into account tourism and, as he knows, there is now a very comprehensive and quite diverse course that is run at the Community College level which is carrying on the Hotel Training School that the previous Government abolished very promptly some years ago. I do regard it as important that students from the early stages have an input from tourism, and I will give that undertaking to work towards that.

**THE SPEAKER:** The next question is No. 207, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 207

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

No. 207: What measures have been adopted by the Portfolio to attract more Caymanian school leavers into tourist related vocations?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** The main measure under consideration is to include tourism education as part of the curriculum from Primary through to High School. Members are aware that the Hospitality Studies Department of the Community College presently offers courses in room service, customer service, front office, food service, professional cookery, menu planning and food and beverage management.

#### SUPPLEMENTARIES:

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. I wonder if the Honourable

Member could say if the relevant Government agency that might be involved is looking at linking these school leavers and the students who pursue the tourist related courses at the Community College with the job market within the tourism industry in the Cayman Islands? If I may just try to clarify, if these people are taking these courses, might we be considering having a situation where there can be job placement directly after successful completion of these courses?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, the full time students at the College undergo periods of work experience which exposes them to potential employers, gives employers an opportunity to assess the students, and it gives the students an opportunity to assess the employers and the industry as a whole. Yes, it is very important, and it is now presently pursued. It will continue to be a very important part of this aspect of tourism.

**THE SPEAKER:** That concludes Question Time for this morning.

#### SPEAKER'S RULING ON QUESTION NO. 204

**THE SPEAKER:** Before we proceed to the Second Reading Debate, Government Business, I wish to say that I could not let the opportunity pass without an effort to defend the actions of the Department regarding Questions. The imputation was made that it appeared as if something might be dishonest, or that certain actions were taken concerning a particular Honourable Member.

In regard to question No. 204, this question was among other questions at the last Meeting which had not reached the Order Paper. Now, in the past I know that there were not a lot of questions being put forward by Honourable Members, therefore, the matter of questions not being answered clearly did not come up. Particularly since 1992, questions have been numerous, and if one reads the Proviso to Standing Order 23 (8), this clearly indicates that questions which were not on the Order Paper would not be those which would be answered in writing. The Proviso says: "Provided that if all other business for the meeting has been disposed of such postponed questions..." and postponed questions are those which were on an Order Paper for a particular day. They had not been reached and therefore would be carried forward to the next day. That would be clearly stated if, for instance, there had been no suspension of Standing Orders by 11:00 a.m. on any particular day, the remaining questions on that Order Paper would be carried forward and, therefore, could be termed "postponed questions".

The Proviso goes on to say, "...such postponed questions shall be answered in writing by the Member to whom the question was addressed and copies of the answer shall be sent immediately thereafter to the Clerk, who shall send a copy to the Member in whose name the question stood upon the Order Paper...". Question No. 204, like many others, had not reached the Order Paper of the last day of the Meeting which concluded in July, and I really must defend the Clerk's Department of any dishonesty or any type of action which could be termed an insult to any Member. This Office does not operate, and it would not be operating in such a manner as long as I am the Speaker. The members and the Speaker endeavour to assist all Members in a genuine way and in accordance with Standing Orders.

As I have stated previously, if Members are dissatisfied with the provisions of Standing Orders there is always a recourse to an amendment thereto, and if this is the feeling of the House, I know that this will, and can, be done without any further abuse - I would call it - because I could not call it anything else than abuse - of the actions of the Clerk's Office. These Officers work very hard, and the question in particular, together with others, was circulated by Business Paper and Members were well notified. I am sure they read all the Business Papers that they have. They were notified that these questions which had not reached the Order Paper at the last Sitting in July, would be included in this Sitting.

We now proceed with Government Business. Bills, the Second Reading of the Appropriation (1994) Bill, 1993. The Honourable Member for Tourism, Environment and Planning continuing the debate.

#### GOVERNMENT BUSINESS

##### BILLS

##### SECOND READING

**HON. W. MCKEEVA BUSH:** Madam Speaker...

**THE SPEAKER:** Honourable Member, I will deal with no further discussions with what I have said.

**HON. W. MCKEEVA BUSH:** No, no, I appreciate that I should not make any sort of rebuttal, and that is not what I am doing.

**THE SPEAKER:** Excuse me a second, then. If you appreciate that you should not make a rebuttal, why are you doing it?



**HON. W. McKEEVA BUSH:**

Because you stated some things that are very incorrect, and I would like to clarify it. I did not blame the Officers of the Clerk's Department. The blame that I put, on what I termed the abuse of Standing Orders when it suits, I put it on the Chair and I am not blaming the Clerk. It is the Speaker who has made those changes and I blame the Speaker - nobody else.

Madam Speaker, normally that could be raised in a Motion, because I believe that it is time that cognisance be taken for the abuse that I see - like a few weeks ago, when I was ordered to give a private paper publicly to this House, when the Standing Orders clearly state that it should not be. As I have said, I could easily have raised that in a Motion, but I have not, due to my respect for the Chair. But I think I need to point out that I was not blaming the Clerk's Office, I was blaming the Speaker. That is where the blame lies.

**THE SPEAKER:**

Well, I do not accept that because I have clearly stated what is in Standing Orders, and I will always continue to go by the provisions of Standing Orders. If, in the past, they were not adhered to or, as I said previously, the number of questions were small and, therefore, there would be no postponing of questions which had not reached the Order Paper and if, on occasions like this when this happens, I stick to the Standing Orders - and I shall continue to do that irrespective of what other Members might say until such time as Standing Orders are amended otherwise.

The Honourable Member for Tourism, Environment and Planning, please continue the debate on the Appropriation (1994) Bill, 1993.

(Continuation of the debate thereon)

**HON. THOMAS C. JEFFERSON:**

Thank you, Madam Speaker. The Government is in agreement that the Standing Orders be so amended as you have indicated.

**THE SPEAKER:**

Honourable Member?

is that part of the debate on the Appropriation (1994) Bill, 1993.

**HON. THOMAS C. JEFFERSON:**

Yes, it is Madam Speaker.

**THE SPEAKER:**

Appropriation Bill?

I do not think so. Would you keep to the debate on the

**HON. THOMAS C. JEFFERSON:**

I am happy to keep to any part, Madam Speaker. When we took the adjournment at 4:30 on Friday afternoon, I was dealing with the subject of tourism. I had said in the beginning that, as a person qualified to speak on Budgets, it is my opinion that this is the best Budget I have seen since 1969. I gave reasons why I made that statement.

In summary, those reasons are:

- 1) it is a balanced Budget;
- 2) it is a Budget that is realistic in its revenue expectations for 1994;
- 3) it is a Budget that has held recurrent expenditures in reasonable limits;
- 4) it is a Budget that honours all our statutory and mandatory payments;
- 5) it is also a Budget that stimulates the construction industry and, naturally, the economy as a whole;
- 6) yes, it is a Budget that proposes significant Capital Works in the coming year; and
- 7) this Budget even brings into fruition the new services needed to deal with crime, among other things.

In talking about tourism, Madam Speaker, I was almost finished with that subject so I will continue there. The Department of Tourism will continue to support and cooperate with the private sector and develop new programmes for 1994, including the Cayman Islands Watersports Association Advertising insert in "Skin Diver" magazine, collateral materials, and fulfilment programmes with the Cayman Islands Hotel and Condo Association and the Cruise ship promotions with the Chamber of Commerce.

Our efforts will continue to be targeted more selectively at upscale visitors with household incomes of \$75,000 and over, and fit into a certain socio-demographic profile. It is very important that the Department of Tourism continues to target individuals who appreciate what we have to offer and will treat our people and the environment with the respect that they deserve. The Cayman Islands will continue to be promoted as one destination with three distinct Islands - Grand Cayman, Cayman Brac and Little Cayman - each having their own unique character.

Limits will continue to be placed on the number of charter seats available into the Cayman Islands. While we feel there is definitely a place and market for this sector, the Cayman Islands do not wish to become overly dependant on charters, nor wish to become known as a heavy charter destination, as we believe that this would tarnish our upscale image in the long term.

The dynamics of our delivery system has changed, as mentioned on Friday afternoon. But, overall, there will be significantly more airline seats in the Cayman Islands in 1994 than ever before. This is due to increased U.S. scheduled carriers as well as the approval of a new charter for the United Kingdom in the summer of 1994. The only known significant increase in the number of rooms available

locally will be the Clarion Grand Pavilion, opening with 88 rooms, we understand, early in 1994. The Cayman Islands will be served by our own National Carrier, Cayman Airways; Northwest; United; American and US Air, and a number of charters in 1994. This will mean greater competition for passengers on the airlines, but should bode well for local accommodation suppliers and the Islands as a whole.

The Department of Tourism is forecasting another healthy year in 1994 for tourism. However, we cannot continue to grow at 18% every year. We do not believe that it is in the best interest of this country to grow at those significant percentages, so the projection for 1994 is between 5% and 7% in air arrivals, with cruise ship passengers remaining constant with 1993 levels.

Madam Speaker, the Government of these Islands, Honourable Members of the Legislative Assembly, and the public, are dissatisfied with the recent increase in crime in these Islands. It is a subject that we have devoted much time and effort to. We will continue to address this matter until it returns to a level that the community is accustomed to.

Madam Speaker, we have reestablished the drug dogs in the Police Department and officers have recently returned from Florida, having completed their training. Additional drug dogs have been purchased for the Customs Department to adequately deal with the Airport, as well as the Port activities in Grand Cayman. I believe we have accomplished what no other Government has been able to achieve in the last 10 or more years, namely, to obtain the United Kingdom Government's agreement to significantly fund the majority of the cost of an ocean-going boat to patrol the waters of these Islands, a boat which will be fully equipped with radar, among other things, to deal with drug trafficking and search and rescue.

We have, indeed, seen some positive results being achieved by the drug section of the Police Department and we commend the Superintendent in charge and his officers. We continue to witness the Customs Department's work dealing with our Airport and Port activities. We, the Members of this Honourable House, I believe, must ensure that these officers clearly understand that we are 100% in support of their untiring efforts.

Madam Speaker and Honourable Members, the Government has brought to this House, for consideration at this meeting, an amendment to the Firearms Law. This amendment indicates the commitment of the Government and the Members of the National Team, to deal heartily with the use of firearms in any criminal activity - not to preempt the debate on the Bill, but merely to indicate - it allows fines up to \$100,000 or imprisonment for a term not exceeding 20 years, or both. This message is, in my view, demonstrating that we mean business. Let us see now, who will support this legislation when it is presented to the House. We hear other Members talking about crime, let us see where they stand on this Bill.

So, Madam Speaker, we are addressing the increase in crime using many approaches. We are increasing the use of dogs in the Customs Department, we are causing the police to utilise dogs in their activities, we are providing a 48-foot boat to patrol our waters and His Excellency the Governor has agreed to have a proper inspection of the Police Department carried out next year - I understand shortly after Her Majesty's visit, probably in April of 1994.

I always have a tendency to look at the Immigration Department while talking about the Police Department as well. Although the Immigration Board has refused less work permits than the previous Board, we have had some amount of concern raised by the private sector. We have said to the people of this country, when you talk, we listen - and we have been listening for several months. We are hearing the need to continue scrutinising work permits because there still remain too many people holding work permits in the construction industry, for example. I believe that there is a need to continue to scrutinise some areas and I am certain the Board will continue to do so.

Madam Speaker, I believe there is a need to reconsider the methodology of dealing with work permits. Until today, we continue to deal with what now appears to be over 11,000 applications on a one-year basis. Some will have to remain on that basis, to protect our people moving into some of the positions in all industries. However, we know that professional people working in the financial industry and tourism industry, to name two industries, cannot be trained in 12 months. So, I think these should be looked at differently. We need to consider issuing three-year work permits to those professionals. But, we need also, simultaneously, to ensure that Caymanians are trained for these professional positions by their respective businesses. For the future, I believe, and my colleagues support me in this move, to ask the companies to apply to the Immigration Board by putting forward what I call a business plan which seeks three-year work permits for professionals who cannot be replaced in three years and to indicate in this plan their three-year proposal for training of Caymanians and the possible promotion of them during this particular period.

I am sure you noticed I said the "company", for I believe that the company should apply for these work permits. I think it is essential that the Immigration Board poll the companies for work permits rather than each individual. It will also give the company greater overall certainty on the number of professional staff that it will have for three years. Good, professional people are not going to leave their jobs to come to the Cayman Islands for 12 months, and not know what happens thereafter. In essence, we will not get the best people. We might have been fortunate in the past to get some very good ones, but we are talking about the future. Especially now, with the competition such as Bermuda and the Bahamas, giving work permits for five years, if I was a professional looking for a job, five years' certainty would attract me rather than one year. I believe that we should do what the law allows, and that is grant three-year work permits where it is justified.

We need to continue to maintain our professional staff in the private sector and improve it for the future. I believe the world is experiencing tremendous change on all fronts and we have to remain vigilant if we are going to continue to be a premier off-shore financial centre.

Just to pick on one subject, Mutual Fund business, I believe, is in the trillions of dollars. The market is that huge. We are beginning to attract a lot of that now to the Cayman Islands. If it is not a trillion dollar as yet, it is certainly billions and more billions of dollars.

I believe that the Members of this Honourable House need to be as bold as our forefathers when they were charting the course that we are now on. Even if we are as bold as those who argued and gained majority support to break away from Jamaica in the late 50s, or early 60s, I believe we would have charted the right course for the future of this country. We need to provide certainty to professionals. We need to provide confidence to business people. We need to cause offshore businesses to have so much confidence in our Government that they begin to build office accommodations rather than leasing.

I believe we have a golden opportunity now to transfer from an operation of companies who set up offices and lease accommodations, to companies who come prepared to construct their own offices. If we are able to succeed in this way, Madam Speaker, I think the future of the Cayman Islands has to be rosy. I believe this is the direction this country needs to move in to assure that our standard of living and our quality of life is maintained for future generations.

If we keep foremost in our minds, when all of this is moving forward, that Caymanians - I would not say must, I use the word legally - shall, participate to his or her fullest competence I believe the future for the generations present and in years to come will be rosy.

But, we must not be frightened to deal with difficult decisions. We must not be afraid to say, if we have to, "no more Caymanian status, but permanent residence instead", even if it is permanent residence with a right to work. Permanent residence allows him or her to enter and participate in any particular field that he or she can operate in. Caymanian status allows him or her to enter and participate in any field, it even allows the person to vote in the elections to this Honourable House. I believe those last few words is one of the greatest fears in this country in the past and today. So, when I talk about being bold, this is the nub of being bold. Perhaps, no more Caymanian status, but grants of permanent residence, where deserved, should be the way forward. It is a sensitive subject. You can play politics with it every day. We are talking about the future of this country for our children and their children. No time for politics, time for decisions as a national body.

If we believe that the British Virgin Islands, and the Bermudas and the Bahamas are going to sit down and let us do what we want, and they are not going to compete with us, we are in a fantasy world. They are doing it now, it is only going to get more competitive. We need to move in a direction which this country and its people believe is in the best interest of all of the people living in the Cayman Islands.

We are not talking about people who are married to Caymanians not getting status, that is not part of my argument. We are talking about grants, Madam Speaker, I may be repetitious this morning, but we need to do what is in the best interests of the Cayman Islands for the future, whether it is dealing with crime, or immigration matters, and let us stop worrying about the votes at the next election. If we do what is right for the people of the Cayman Islands, the future will be good to us too.

THE SPEAKER:  
Honourable Member?

Would this be a convenient time to take the suspension.

HON. THOMAS C. JEFFERSON:

Thank you, Madam Speaker.

THE SPEAKER:

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:40 P.M.

PROCEEDINGS RESUMED AT 12:01 P.M.

THE SPEAKER:

Please be seated.  
The Honourable Member for Tourism, Environment and

Planning, continuing.

HON. THOMAS C. JEFFERSON:

Thank you, Madam Speaker. When we took the suspension, I was completing my comments on the Immigration Department and relative matters. I now return back to the Portfolio, the Department of the Environment.

Following the amalgamation of the Mosquito Research and Control Unit, the Natural Resources Unit, and the Environmental Health Section in April of this year, the Department of Environment was created with the mission to preserve and enhance the natural beauty, cleanliness and biodiversity of the Cayman Islands.

The consolidation of these three units into one department enabled the maximum utilisation of resources in both terrestrial and marine environments. The success of this merger will become fully evident after the entire department is brought together under one roof.

Despite the disadvantages of multiple sites, on the whole the achievements of the department during 1993 were quite diverse. The efforts made in the upkeep of our Marine Parks are well recorded by the international recognition that we enjoy as a premier dive location. The research programmes conducted during 1993 included the following:

- 1) research contributing to the development of a fisheries data bank;
- 2) a survey of the conch population throughout the three Islands;
- 3) a toxic monitoring programme;
- 4) a lobster enhancement programme;
- 5) the development of a reef monitoring project;

- 6) marine pollution monitoring;
- 7) ground water monitoring; and
- 8) mosquito resistance testing.

Guidelines were developed to reduce the environmental impact of dredging projects. A total of 97 environmental impact assessments were conducted on various coastal developments projects. One notable achievement was the revision and updating of the National Oil Spill Contingency Plan.

A new Sanitary Landfill was opened in Little Cayman in May of this year and a Community Waste Collection Programme was introduced. The solid waste collection routes in Grand Cayman were revised in 1993, enabling a savings of \$120,000 per annum. A more efficient and hygienic service was provided to the commercial sector following the introduction of five stationary compactors. The incidence of illegal dumping has been reduced following the establishment of a community refuse drop-off point in West Bay. The dyke programme along the West Bay road is now complete and will enable better control of the mosquito population in this area. The *Aedes Aegypti* reinfestation will be brought under control by December of this year.

Some projections for 1994, Madam Speaker. In the forthcoming year, the Department of Environment will have constructed an office building and central analytical laboratory at an alternative location. The existing building is structurally unsafe and has been deemed too costly to repair or expand. The construction of a centralised office will provide multiple benefits of reducing operating costs and enhancing the administrative effectiveness of the Department. A work boat will be acquired to facilitate the maintenance of marine park systems, channel markers and permanent moorings throughout the Island. Additional moorings are planned for installation in Cayman Brac and Little Cayman. This vessel will substantially improve the Department's ability to deploy oil spill control equipment.

Continued efforts will be made to manage and replenish depleted marine species. Technical expertise is being sought to assist with the study of grouper poisoning (let me not say the technical word). An environmental advisory committee will be created to provide input to Government on long term environmental policy which will facilitate the sustainable use of environmental resources. A new sanitary landfill will be constructed in Cayman Brac after the road access has been agreed to with neighboring landowners. The final elements of the Little Cayman Solid Waste Project will be completed in 1994. One Member of staff has been transferred from Cayman Brac to Little Cayman to provide full time resident services for the collection of garbage and mosquito control.

Various aspects of recycling will be introduced in 1994 - yard waste composting, automobile battery recycling, the bailing of cardboard, and the recycling of aluminum cans will be implemented. A new Environmental Law will be prepared which consolidates the existing laws of the previous units and provides enabling authority to the new departmental structure.

The Cessna spray plane will be replaced by a more suitable aircraft which will enable the more effective distribution of larvacide pellets and the introduction of aerial spraying in the Sister Islands. The *Aedes Aegypti* surveillance effort at the Port and the surrounding areas will be expanded to prevent the importation and reoccurrence of this vector.

Coming now to Lands and Survey, Madam Speaker. By the end of 1993 all departmental objectives will have been achieved, that is, the electronic retrieval of Grand Cayman registry maps - we have also achieved retrieval of Cayman Brac and Little Cayman - computerisation of the drawing office, the upgrade of field instruments to electronic based systems; continued development of the land information system - we are well on with programmes for computer input of land registry data and valuation data. More monitor screens and work stations will be available by the year end to assist with the input and maintenance of this data.

The 1994 Budget submission reflects the continuing needs for monitor screens, work stations, personal computers to service the growing needs of the land information data base, the land registry, and the land surveyors. It is expected that with the increasing awareness of other Government Departments and the private sector in the value of parcel based land related information, there is potential for a large income from the provision of continuous update of such data. We hope to realise some part of this income in 1994.

A large submission was made to the 1994 Budget, and had to be scaled down, dealing with the updates of mapping of all Islands. We arrived at a less costly alternative of \$150,000 of scanned computer held colour aerial photography, with the price to include the fee and equipment necessary for the provisional control of such topographic data has also been submitted. A colour plotter, necessary for output of the data, has been proposed. Otherwise, the 1994 Budget for the Department submission attends to training in the use of various software packages, the continuing further education of one Officer overseas, general maintenance and necessary replacement of existing equipment and costs related to running of the Department in the Tower and the Cayman Brac satellite office.

The Fire Department. During the period January to October 1993, the Fire Department attended 328 calls for assistance. These calls included structural fires, car fires, bush fires, traffic accidents and aircraft related incidents where lives and/or property were at risk. The value of all property involved in fire, so far, in 1993 is estimated at \$5.6 million, while actual fire damage was estimated at \$386,000. Two officers attended the Arson Investigation Course in the United States and command courses were carried out emphasising airport firefighting and rescue techniques. The Department, working in close cooperation with the Central Planning Authority, and the Hotel and Liquor Licensing Boards, continues to take steps to ensure that licensed premises, as well as new and existing buildings, meet with the basic fire requirements. To date, approximately 120 applications for new commercial buildings were reviewed to ensure that all code requirements

were met. A total of 423 inspections were carried out which included Hotels, liquor licensing premises, and other establishments. The year 1993 also saw the introduction of Fire Safety Awareness Week which, I believe, was well received by the general public.

In order to maintain and improve the efficiency of staff, it is planned to send seven fire officers on overseas training courses in 1994, at a cost of approximately \$43,000. In addition, extensive training will be conducted locally in all aspects of firefighting and rescue. The Air/Sea Rescue facilities at Owen Roberts International Airport will be upgraded by providing a maintenance facility adjacent to the North Sound near runway 026. In addition, fire wells will be provided at intervals along the runway to provide water for firefighting in the event of an aircraft accident and, hopefully, Madam Speaker, this will never happen. These improvements are expected to cost approximately \$27,500.

The Planning Department, in 1993, was a busy place. Through the end of September, 430 applications were approved as compared to 526 applications for the entire year 1992. The Development Plan Review has received a great deal of effort and attention. It is anticipated that this effort will culminate in a new development plan, perhaps in 1994. Government has placed a great deal of emphasis on medium to long term planning and in this regard has approved the creation of two long range planners to staff the newly created Long Range Planning Section of the Planning Department.

Efficiency and customer service are also a prime concern for Government. In an effort to improve these, the Development Planning Law was recently amended to give powers of administrative approval for minor and intermediate application to the Director of Planning and the Chairman of the Central Planning Authority. This system was recently introduced to expedite Planning applications in respect of minor works, and it is progressing well, with development valued at \$1.9 million, approved in the first two meetings and an additional \$1.3 million, for the third and fourth meeting.

The new system, as Honourable Members know, emanates more recent amendments which I presented to the Development and Planning Law. This amendment allows the Director of Planning and the Chairman of the Central Planning Authority to review and grant administrative approval to six categories of minor and intermediate applications. These six categories are: houses, duplexes, three unit apartment buildings, additions to those; subdivisions of six lots or less, providing no road is needed; certificates of occupancy; walls and fences not exceeding four feet in height; amendments to site and floor plans; and miscellaneous structures, such as, television dishes, pools, cabanas and sheds. The applications are considered weekly, as I stated earlier, by the Director of Planning and the Chairman of the Central Planning Authority.

Approvals were granted in the first four meetings for 12 homes, ranging in value from \$15,000 to \$400,000; 1 duplex, 7 certificates of occupancy, and miscellaneous items such as, phone booths, fences and satellite dishes. These decisions are referred, for information purposes, to the Central Planning Authority in order for them to stay abreast of all planning approvals given. Under this system, the average time for processing and granting approvals is one week. Even if aspects such as plumbing or electrical plans have to be returned to applicants for revision, we grant conditional approvals to allow work to begin in other approved aspects of the project. As a result of this new measure, the Central Planning Authority, which meets every two weeks, is now able to devote its full energies to its more complex planning applications.

As a comparison, prior to the introduction of this system, the work load of the Department's five planners resulted in a turn around time per application of six to eight weeks, or longer if the plans were submitted incomplete and have to be returned.

So, Madam Speaker, I am very pleased with this improved service to the public and we will continue to work with the Planning Department and the Central Planning Authority to expedite the Planning applications made by the public.

The Planning Department will expand its role as a facilitator in the development process by more closely coordinating the activities of other departments as they relate to development control. A Developer's Manual is currently being drafted. It is anticipated that this document will provide, what is sometimes called, a "one-stop shopping" source of information on Government's requirements for development purposes.

Government is cognisant of the fact that the public and private sector partnerships will be increasingly relied upon for future developments, and to maintain our standard of living. In this regard, the Department is anticipating an expansion of physical planning efforts with wide spread public input in the new year. This will include infrastructural planning and urban design initiative. To this end, I look forward to working with everyone, living, and doing business in the Cayman Islands in 1994.

The Port Authority. The Port Authority made the contribution to Government during 1993 of \$737,000. I believe, if my memory serves me correctly, never in the history of the Port Authority has a contribution of this magnitude ever been granted to Government as a contribution. I believe, too, that it has been many, many years since the Port Authority gave any contribution to the Government of the Cayman Islands.

One of my objectives, as Chairman of the Port Authority, was to ensure that a contribution was made to the Government. It is my belief that Statutory Authorities should make a contribution to the revenue of the Government that created it. These authorities are created to operate in a commercial/business atmosphere and being respectful of the mother that created them, we need to give back a little bit of the milk to the mother. The Port Authority serves as a model authority for other Caribbean countries to try to emulate. It is the one authority, when the Caribbean Development Bank publishes its annual report, there are many reports that show pictures of the Cayman Islands Port Authority. I believe this trickles down from the Government, whose record in the Caribbean Development Bank cannot be bettered by any country.

We have a record, Madam Speaker, of borrowing money from the Caribbean Development Bank and ensuring that the money is spent wisely, ensuring that the project which is

approved by them is efficiently supervised and moves along the same direction as the plans indicate. That may sound simple, but it does not necessarily happen that way in other countries in this part of the world.

In order to make this contribution to the Government in 1993, we took the decision that some of the Capital Work proposed was not urgent and we decided to defer it until 1994. The Budget for 1994 deals with repairs to the Cayman Brac Dock and repairs to the Grand Cayman Dock, as recommended by the consultant which was engaged back in 1992 - Foss, Buckley, Shoe and Jamnigan - and the quantum of those repairs is a little over \$300,000. The report of the consultants on the Cayman Brac Dock indicates that the underside of the dock requires attention as quickly as we can. The longer we leave it, the more the cost to put it right.

We also, in 1994, made a reserve in the Budget for the Cargo Distribution Centre Pavement which we have heard so much about on the street, in the House, in the car, and all around. The Port Authority has engaged an independent professional company to investigate the cause of this - shall we call it - distress, that is, some portions of the pavement are sinking. The Port Authority also has in its minutes that no work shall begin on this distress until legal opinion gives us the go ahead as to who is at fault. I am not judging anybody, Madam Speaker, if the independent body says the Government is at fault, then we shall have to repair it. If the independent company carrying out its present investigation, and the report is presently with us, indicates that somebody else is at fault, we will have to take legal opinion as to how we proceed. There is nothing secretive or magical about it.

The 1994 Capital Expenditure also includes a replacement of two trucks, two forklifts, and the purchase of two chassis and the total of that is roughly \$150,000. I believe that if we are to deliver the service, and if we are to spend wisely the money earned by the Port Authority, we need to move on a programme to replace certain pieces of equipment which, if not replaced, we will incur substantial maintenance operating costs. The projected net profit for 1994, is in the range of \$900,000.

Before I move to another subject, I would like to offer my sincere appreciation to the Members of the Port Authority, the Director and his staff, for the able way they are running the Port Authority and the advice that is given to the Board by its Members. I believe, with direction, all things will be rosy in the future.

The Cayman Islands Turtle Farm is also a subject which I should comment on. The Turtle Farm's fiscal year actually runs from the 1st of April to the 31st of March. During the first seven months of the fiscal year, some 128,754 tourists visited the Farm. This represents a 23% increase over the same period last year. Perhaps it is all right for me to be the Chairman, since I am also bringing the tourists to the Island. It is estimated that the number of visitors for the year will exceed 250,000 - another sign of good Government.

Approximately 75% of the visitors are derived from cruise ship passengers. So, here again, we can see how the Turtle Farm benefits from cruise ship passengers. Although we know that they do not spend as much money as air arrivals, it would be almost foolish to discontinue cruise ships coming to the Cayman Islands. It is a very significant dollar contribution to this country. Some surveys say that they only spend \$60 per person, and, yes, that does sound a bit small. But you take \$60 per person and multiply that by 600,000 persons and I think you are looking at a fairly significant amount of dollars spent in the Cayman Islands. It is not going to be thrown away while I am the Member for Tourism.

Processing during the fiscal year has resulted in the slaughtering, or processing, of 1,032 turtles with a production of 23,646 pounds of stew - some Members say they cannot get any. I can only say I will help in whatever way I can, but I am having trouble getting some too - turtle steak, 4,842 pounds - and for those who like this part of the turtle - 1,858 pounds of fin, and what the people call "manavolins".

In July 1993, the price of stew was raised to \$4.50 and steak to \$8.50. For fin and manavollin, \$2.50. These price increases have reduced the loss of rearing and processing each pound of turtle, based on the 1992/93 accounts, from \$1.49 to \$1.17 a pound; a 21% improvement. So it may be in the not-too-distant future that the Cayman Islands Turtle Farm will have to consider increasing the cost, slightly, in an attempt to break even, that is, the operational cost of rearing turtles versus the price received by selling the products, should at least break even. I think we can accomplish that. The price of \$4.50 a pound for turtle stew is not an exorbitant price when we consider sometimes the price that wahoo or grouper is sold for.

There is also a great call for more meat, and I see one or more Members shaking their heads. Part of the reason for this is that as you increase the size of the herd, you also increase this loss (\$1.49/\$1.17), in the whole exercise, so that I believe that if we are to move, and we are moving in that direction where we slaughter something like 4,000 turtles, but we have to bear in mind that they are hatched and reared up to about three years old until they are slaughtered, I believe that in moving in the direction of supplying the Island with turtle - and I am reluctant to say when this will happen because I think it is more than 12 or 18 months - I believe the cost of the product will have to be increased. We know that for many years, the conservationist groups in the United States, to name a country, has reared its head and caused all turtle products to be banned or prohibited from being consumed or even entering any United States' port. This has really hit hard at the Cayman Turtle Farm operation because the bigger income earner, which is the shell, and the use of leather to make handbags and other things, are no longer possible. So the total cost of rearing a turtle still remains to be borne, but only a portion of the turtle can come back to the Turtle Farm in terms of income - meaning the cost of the stew, and the steak, and the fin. So we have to look at this carefully, but it is moving in the direction to increase the number of turtles that will be slaughtered in any one year. I believe that that is the right direction for us to take.

We can say, as in any other case, you can get as much as you pay for. If the people of the country want turtle meat supplied to everyone, we will have to bear the cost. Otherwise, the Government will get back into the situation of having to subsidise the Turtle Farm, which ended in 1985. The

majority of income earned by the Turtle Farm is from visitors to the Farm paying a fee to enter and to look at the operation there.

In October 1993, Capital Expenditure was incurred, expanding the Farm's shop, and that was completed in that month. Shop space was increased by approximately 30%, and I visited just last night and it shows a tremendous increase, not only in the size of the store, but in the efficient way in which it is laid out. I believe that for the benefit of locals and tourists alike, it was very timely to have been done.

At this same time, modifications to the entrance of the gift shop and farm were completed. These modifications allow for tourists exiting the farm to do so through the gift shop. Provision was also made so that handicapped individuals could enter both the farm and the gift shop. Total Capital costs were approximately \$65,000. Also, in October 1993, provision was made to incorporate the farm's staff into the Government's Pension Fund. I believe that whether you are a civil servant, or whether you are working in one of its statutory authorities, there is a moral obligation that we should ensure that those who work are receiving, and do receive, a pension at the end of the day. We did not ask the Government to bear this on their own. Payment was made by the company to provide the necessary contributions of the staff and for it to be retrospective to the 1st of January 1990. I believe this to be a significant accomplishment for the staff of the Cayman Islands Turtle Farm.

During one Member's contribution to the Budget Address, there were certain comments that could be interpreted to be unkind, made about the Tourism Development Plan. Now, we have our view as to what is priority, and the people elected us on that basis and we are going to move in that direction. The Tourist Development Plan is a good document and, yes, the Government is going to examine it and, yes, if you look in the Budget you are going to see the funds that are provided for that purpose. So let us not make unkind remarks to things that are already in place. It just needs a question about it to get the right response, I think.

We know about running a Government, we are gaining experience in the tourism side of Government's operation, we are bringing to bear our own experience, and I believe the combination of the two is why we have year-to-date air arrivals being 19%. I do not care who says that this present Government has not done that. I say to them, provide the proof that says to me we have not done it. It is easy to get up and talk in any forum about who did what, and who did this, but when we take into mind that in the early part of this year we lost the Director of Marketing and Sales in the United States - I was in Jamaica to the Shick Convention, which is the private sector side of the tourism market, when he was introduced, and they introduced him as the Caribbean specialist in marketing. Now I have no disrespect for the gentleman, but if we lost the Caribbean specialist in marketing, and the inference is that we do not know what we are doing, why is it that we have a year-to-date figure of a 19% increase? Somebody has got to give us some credit somewhere. We also lost the regional manager, on medical grounds, in Chicago. We had a vacancy in the Miami regional office as a result of a promotion of the individual to take up the position of Director of Marketing in the United States. We also lost the regional manager in London, she decided to retire, her family gave her some - let me not divulge any family secrets - but she had good reason to decide to quit. All these major players, Madam Speaker, are gone. We have replaced them and we still have a 19% increase. So those who say we did not do it, somebody else did - like the chap from Missouri said, "show me" - show me where your evidence is.

There are more specialists in this House than some people want to accept. I do not know, I may be saying the wrong words, I noticed one Member left Madam Speaker, but the public of this country know Thomas Jefferson well. I am not bearing malice on anyone, all I am saying is look at the record, re-examine it again, and I think you will convince your own self, if you are doubtful, that this Government is doing the right thing. That is what they said in Bodden Town, do the right thing. We are doing the right thing. We have increased tourism to such a level that even with the construction sector not being all it should be, things are reasonably well. Any business associated, related to or linked to the tourism industry, if they are not doing well, you cannot blame this Government.

My God, we had more people in this country for the first 10 months of this year than any other period. Do not tell me that it is charters because I can produce the evidence to tell you it is not. Just to be repetitious, Madam Speaker, we know what we are doing. It is about time that they begin to believe it.

When I referred to the Port Authority, one of the things I did not touch on, although I did mention that the consultants were employed in 1992, the latter part of their exercise, which is just about now, they had a term of reference requirement to produce a report on whether the Government should deploy permanent moorings for cruise ships. They also have to report on whether a dock should be built for cruise ships. I do not like to be hypocritical, I do not believe that this country is in any position to build any cruise ship docks at this time. I believe that we have to give consideration to permanent moorings.

When we examine other information which many of us do not have, we discover that the cruise ship industry, one of the companies in particular has already given orders to construct two cruise ships that are over 3,000 passengers in capacity. I understand that there is another company thinking of doing something very similar. We may wake up one morning and have three of those cruise ships in the George Town Harbour landing 9,000 passengers or more. I think everybody needs to tell me what I should do, because I do not know. What I believe I should do is begin to prepare for that day because it is not going to be tomorrow, but it can be next year, or the following year. Landing cruise ship passengers all in George Town, I am a little unsure that it is the correct thing to do for the future, especially when we get boats carrying this number of passengers. So, we are going to explore it further, Madam Speaker, the Port Authority will consider the permanent mooring report, we will share the report with Members of this House and interested persons of the private sector and let us altogether come to a decision. I believe that it is vital that we establish some vehicle to avoid the damage of our marine environment and the earlier we do that, the better.

I believe that if we move in this direction, the cruise ship executives are going to go with us. Our marine environment, although some people say they are very selfish, is

almost as important to them to sell their voyage, as it is to the average person in the Cayman Islands. I am not saying that they have the same kind of feeling about it, I am saying that from a business point of view it is essential that the marine environment of these Islands be protected in order for their business to continue. For if they destroy the marine environment around these various Islands, what will they have to sell to their passengers?

**THE SPEAKER:**

It is now 1:00, I understand that some Members might wish to attend the closing ceremony of the Education Conference. Would you wish to move the adjournment until tomorrow morning, Honourable Member for Tourism?

### ADJOURNMENT

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, I am happy to move the adjournment of this Honourable until 10:00 o'clock tomorrow morning.

**THE SPEAKER:**

The question is that the House do now adjourn until 10:00 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye... Those against No.... The Ayes have it.

AT 1:00 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., THURSDAY, 18TH NOVEMBER 1993.

**THURSDAY  
18TH NOVEMBER, 1993  
10:04 A.M.**

**THE SPEAKER:**  
Culture and Aviation to say prayers.

I shall ask the Honourable Elected Member for Education and

**PRAYERS**

**HON. TRUMAN M. 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.

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

**THE SPEAKER:**

Please be seated.

Proceedings are resumed in the Legislative Assembly.

**ANNOUNCEMENTS BY THE PRESIDING OFFICER**

**THE SPEAKER:** The Second Elected Member for George Town has sent apologies. I think he is off the Island attending a Medical Conference.

Continuing with the Order for Today. Question No. 208, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE MEMBERS**

**QUESTION NO. 208**

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

**No. 208:** Whether there are plans for a change of use of the purpose built sub-post office at North Side?

**THE SPEAKER:**  
Works.

The Honourable Member for Agriculture, Communication and

**HON. JOHN B. McLEAN:**

Thank you, Madam Speaker. The answer to the question is, no.

**SUPPLEMENTARIES:**

**THE SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**  
approached by the Member for North Side for the use of the Sub-Post Office, or part thereof, for an MLA office, and if such has been refused?

Could the Honourable Member say whether he has been

**THE SPEAKER:**  
Works.

The Honourable Member for Agriculture, Communication and

**HON. JOHN B. McLEAN:**

Madam Speaker, the answer is still no, and I would like to point out that the only recollection that I have ever had of any talk with regard to the Post Office in North Side was on an

occasion when the Lady Member for North Side and myself were in the Common Room and she was asking me about trying to assist her with having a Civic Centre built in North Side. I jokingly said to her, in the presence of certain people, that I would suggest that that Post Office in North Side be changed to a Civic Centre. It was only a joke, Madam Speaker, because common sense would tell us that that Post Office is not even in the right place, being on the beach side, so that I would never encourage her to put a civic centre there.

**THE SPEAKER:** The next question is No. 209, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 209

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

**No. 209:** What action has been taken on Private Member's Motion No. 2/93 passed unanimously on 25th March, 1993, calling for legislation similar to the Invasion of Privacy Acts in other jurisdictions, guaranteeing the right of privacy in regard to telecommunication transmissions?

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Thank you, Madam Speaker. My Portfolio submitted to the previous Legal Draftsman a Discussion Draft for a proposed Telecommunications Bill which includes references to privacy. We have been informed that the Legal Draftsman had started the drafting process but, due to other legislative priorities, the Draft Bill has not yet been completed. The Portfolio has again written to the Honourable Attorney General and requested that the matter be treated on a priority basis by the new Legal Draftsman.

#### SUPPLEMENTARIES:

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member tell the House if he has any idea as to when such legislation might be coming before the House for discussion and debate?

**THE SPEAKER:** Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Thank you, Madam Speaker. I intend to present the Draft Bill as soon as my Portfolio receives it from the Legal Department. I have pointed out that I have requested that it be given priority and, at this time, it is impossible for me to say to the Member exactly when I will present it here.

**THE SPEAKER:** The next question is No. 210, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 210

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER FOR EDUCATION AND CULTURE AND AVIATION**

**No. 210:** What is the large steel building west of the Civil Aviation Department on the perimeter of the runway?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** The large steel building west of the Civil Aviation Department is the new Island Air hangar.

#### SUPPLEMENTARIES:

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member tell the House whether that hangar is built on property owned by Government or the Civil Aviation Authority?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, that is on the Civil Aviation Authority's property.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, would it be safe to assume that approval was given by the Civil Aviation Authority for that construction and, if so, what were the terms and conditions under which it was granted?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, this approval, I am sure the Member appreciates, was given by the last Government back in 1992. I understand that they must have approved where it is, the size it is - I assume that is what the Member is asking. Yes, they did approve its location and size.

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

**MR. ANTHONY S. EDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member could say what is the payment that is being received from this company to the Civil Aviation Authority?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, the cost of leasing the property, and I point out that the decision was made in 1992, was \$13,050 per annum. I understand that the lease has the rent reviewable every five years or so, I think.

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

**MR. GILBERT A. McLEAN:** Seeing the extremely low lease cost of that property for the purpose, could the Honourable Member say whether the proprietors of that building are renting space to Government, or the Civil Aviation and, if so, what would be the cost to that authority?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, I am told by the Director that no part of the building is being rented, therefore no question of cost to Government comes in.

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member say if the function of the building, in addition to being a hangar for Island Air, is such that sections can be leased and rented, and if this is being done, and does the Member have any idea of the costs involved?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, I am told that the only way that Island Air can sublease is with the approval of the Civil Aviation Authority. They do not have a right to.

**THE SPEAKER:** The next question is 211, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 211

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT**

**No. 211:** What was the total amount of duty collected from Island Paving Ltd., on the imported equipment and materials for the recently completed Airport job?

**THE SPEAKER:** The Honourable Third Official Member responsible for Finance and Development.

**HON. GEORGE A. McCARTHY:** Madam Speaker, the total amount of Customs duty collected from Island Paving on the imported equipment and materials for the recently completed airport job was \$150,076.13. This was collected over the period from April 1992, to December 1992. I should further point out that I have also been advised by the Collector of Customs that of this sum, \$10,163.79 was subsequently refunded. So the net amount is approximately \$140,000 paid.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Is the Honourable Member in a position to say, of this amount, what was the duty on equipment, as against duty on material?

**THE SPEAKER:** The Honourable Third Official Member responsible for Finance and Development.

**HON. GEORGE A. McCARTHY:** No, Madam Speaker, I will not be able to provide that break down. I have been made to understand from the Collector of Customs that often times goods imported were a combination of materials and equipment and because of the fact that both categories of items have the same rate of duty, it was not sought to segregate the equipment and other materials into separate categories.

**THE SPEAKER:** The next question is No. 212, standing in the name of the First Elected Member for Bodden Town.

**QUESTION NO. 212**

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 212:** To state - (a) the total amount paid to Island Paving Ltd. for the resurfacing job at Owen Robert's International Airport; (b) how much of this total represents the bid amount; and (c) what was the negotiated amount.

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker. The answer: (a) The total amount paid to Island Paving Ltd. for the Owen Roberts International Airport projects to date is C\$7,741,909. A further payment of C\$75,659 is due in December, 1993, being the final retention payment.

(b) The original contract signed with Island Paving Ltd., was for Phase I of the project, being the runway rehabilitation. The signed contract was in the amount of C\$4,365,192. Actual final payments to Island Paving Ltd. on Phase I totalled C\$4,159,515.

(c) The negotiated contract for Phase II of the work, being the apron and taxiway resurfacing was signed in the amount of C\$3,443,216. Actual final payments to Island Paving Ltd., will total C\$3,782,957 when the final retention is paid in December, 1993.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I would like to ask the Honourable Member if these payments take into account any contingencies and, if so, what were the amounts?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** I understand that did take into account contingencies, but I do not have those figures, nor does the Director of the Civil Aviation Authority have them with him now.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. May I request through you, Madam Speaker, that the Honourable Member at a subsequent date provide those figures for the House?

**THE SPEAKER:** Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** It will be done, Ma'am.

**THE SPEAKER:** Thank you, Honourable Member. The next question is No. 213, standing in the name of the First Elected Member for Bodden Town.

**QUESTION NO. 213**

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING**

**No. 213:** To outline the Mosquito Research and Control Unit's plan for the eradication of the Aedes Aegypti Mosquitoes.

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** The Department of Environment has embarked upon a comprehensive campaign to eradicate the Aedes Aegypti mosquito leaving nothing to chance. This involves: (i) detailed household surveys to determine the extent of the problem; (ii) application of chemical insecticides for larvae and adults; (iii) an Island-wide clean up of overgrown vegetation, rubbish and other harborage areas.

**(i) Household Surveys**

- (a) All available manpower from the Department of Environment has been diverted to the survey and spray teams. Eight teams of three are now working six days per week.
- (b) The aims are to survey 100 per cent of the houses in West Bay and George Town; to map as quickly as possible the extent of the infestations and to make an initial treatment with residual spray of all houses and areas where Aedes Aegypti is found.
- (c) Once the complete extent of the infested areas have been determined, some teams will resurvey to determine the effect of the initial spray while others continue to survey eastward through the rest of the Island, reverting to the normal 25 per cent of houses in order to cover the whole Island as quickly as possible. Areas with residual infestations will be thoroughly resprayed.
- (d) Other teams will be assigned to certain areas where infestations have been found in the past or where boats are likely to arrive. These spot checks will be thorough, 100 per cent surveys.
- (e) Future routine surveillance surveys will, if staff and vehicles are available, consist of two teams. One, to conduct regular surveys covering the whole Island four times a year, doing 25 per cent of premises; and the other to do spot checks.

**(ii) Application of Chemical Control**

- (a) Every two to three days fogging and aerial spraying is carried out in the infested areas either in the early morning after sunrise or before sunset in the afternoon. These are the periods of maximum activity of adult Aedes Aegypti.
- (b) A programme of regular residual spraying of the George Town dock area will be initiated plus similar spraying at other points where boats may enter from foreign ports.
- (c) Spraying will be done as far as possible with Pyrethroid insecticide rather than the Abate which has been used since the original eradication campaigns of the 1970s. There is unlikely to be any resistance to Pyrethroids.
- (d) In order to thoroughly eradicate the Aedes Aegypti mosquitoes, it will also be necessary to carry out internal spraying of homes in the affected area. This process has commenced in some areas.

**(iii) Physical Control**

- (a) One important component of a successful eradication programme is the removal of harborage areas. Since the Aedes Aegypti mosquito frequently breeds in old discarded containers and other forms of rubbish, a concerted effort is being made to clean up the environment and all affected areas on the Island.

It should, however, be borne in mind that although the Aedes Aegypti mosquito has been identified in the Island, there is, at present, no health threat to the public and the

eradication of the species as outlined above is expected to be completed by mid December, 1993.

#### SUPPLEMENTARIES:

- THE SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if any tests for the presence of the *Aedes Aegypti* mosquito were done in areas other than those mentioned in the news report?
- THE SPEAKER:** Honourable Member for Tourism, Environment and Planning.
- HON. THOMAS C. JEFFERSON:** Madam Speaker, could I ask the Member to further clarify the question, I am not quite sure...
- MR. ROY BODDEN:** Certainly, Madam Speaker.
- THE SPEAKER:** The First Elected Member for Bodden Town.
- MR. ROY BODDEN:** Thank you, Madam Speaker. I would ask the Honourable Member if any tests were done in areas, for example, Bodden Town, East End, North Side?
- THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.
- HON. THOMAS C. JEFFERSON:** Madam Speaker, I am not, at the moment, clear that the tests have already been made, but I wish to point out to the Member that it is part of the present campaign moving in that direction, and will go throughout the entire Island to make sure that it is eradicated by mid-December. Not to say that there is any infestation in those areas, but we want to be absolutely certain that there is no *Aedes Aegypti* in those areas.
- THE SPEAKER:** That concludes Question Time for today. The next item is Statements by Members of the Government.

#### STATEMENTS BY MEMBERS OF THE GOVERNMENT

- THE SPEAKER:** The Honourable Elected Member responsible for Health and Human Services.

##### A CAYMAN ISLANDS NATIONAL CHILDREN'S CHOIR:

**HON. W. McKEEVA BUSH:** Some Members of this Honourable House will have heard me speak from time to time of my interest in starting a National Children's Choir. This interest is grounded partly in my own experience, which has fostered in me a great love of music, and partly in my observation of the contribution which membership in a choir can make to both personal and social evolution. It also seems to be realistic, given the progressively higher level of performances students have given, and teachers have elicited, in the context of the National Children's Festival of the Arts run by the Education Department.

In pursuit of this interest, I sought input from persons with a background in the development of musical and artistic training programmes. The following broad proposal is based largely on their presentation. In order to succeed, it will now require an implementation plan, which identifies all the resources necessary, and establishes a time frame which will fit in with the schools' calendars, as well as the commitment of the staff to be utilised. I trust however, that, subject to this, Members will agree that this is a worthwhile initiative, which will produce benefits both for those who participate directly, and for others who enjoy their efforts as an audience. I should also say firmly now that such an initiative as this cannot succeed without a very high level of parental support, or the high level of volunteer commitment on which the staffing of the project would depend.

##### RATIONALE

Singing is a significant area of and fundamental to any nation's music education programme. The ability to perform musically is a desirable goal for children who will benefit from structured choral instruction. The natural singer will gain knowledge and understanding of how his/her talent is produced and develop it more quickly; the average singer will be encouraged to become a reasonably good vocalist. Both will develop music literacy, skills of self-expression, creativity, confidence and enthusiasm. Through the exploration of the music of their own and other people's cultures, students may gain an understanding of themselves and others, for the multicultural approach to music enriches students' knowledge of the world, their heritage and the artistic traditions of other cultures.

On a national level, not only will the public pride increase if there

is a good medium such as a National Children's Choir to showcase the nation's talent, but the country's musical and cultural life as a whole will improve as our children strive for excellence in the arts. There is another important factor as well. Bearing in mind Cayman's geographical location, it is all too easy to lose our cultural integrity to influences from neighbouring countries; a problem which national programmes such as this may help to counter. Significant also is the need for more extracurricular activities for young people. Any programme that can provide leisure-time activity which is both useful and enjoyable for our children, will have a positive sociological effect benefitting the whole nation.

#### PROPOSAL

It is envisioned that the children will be drawn from Government and Private Schools. The programme will have one official musical director and an assistant director. Additional necessary personnel will include at least two official accompanists, rehearsal directors in each school, a choreographer - as movement is particularly important to enhance Caribbean and American choral music - a minimum of five teachers to help maintain discipline at full rehearsals, stage managers and costume managers. Rehearsals will take place in schools, preferably during club times. Full rehearsals for the entire Choir should take place once or twice a month at the Harquail Theatre. For practical reasons, the programme will have certain limitations. These include: 1. A limit of 80 to 100 voices 2. An age limit beginning at 9 and ending at 13 years of age.

We are hoping for the widest possible support from the community once the implementation of the programme has commenced. The success of the programme will depend to a significant degree on the support of the Education Portfolio. We are of the view that the development of a National Youth Choir is a small but important contribution to the enhancement of the quality of life in these islands.

Thank you, Madam Speaker.

#### ANNOUNCEMENTS BY THE PRESIDING OFFICER

**THE SPEAKER:** I would like to take the opportunity of welcoming the students from the Truth for Youth School who are present in the Gallery this morning, together with their teachers. It is good to see such a large number, and I hope that their time here will be both educational and enlightening as they observe how the Legislative Assembly for these Islands operates. I have extended an apology for the Second Elected Member for George Town. He mentioned to me yesterday that he would be off the Island and I am sorry that I was giving him an extra day, but we are glad to see you and we hope that the conference that you will be attending shortly will be beneficial as well.

Continuing with Government Business, Bills, Second Reading. Continuation of the debate on the Budget Address. The Honourable Elected Member for Tourism, Environment and Planning continuing.

#### GOVERNMENT BUSINESS

##### BILLS

##### SECOND READING

##### THE APPROPRIATION (1994) BILL, 1993

(Continuation of the debate on the Budget Address)

**HON. THOMAS C. JEFFERSON:** Madam Speaker, continuing your kind expressions, may I begin by saying Happy Anniversary to all the Members of the National Team (I think today is the day), and to other Members who were successful one year ago. Maybe I should extend that to you as well, Madam Speaker - Happy Anniversary.

**THE SPEAKER:** Thank you, Honourable Member.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I wish to place on public record my sincere thanks to members of the National Trust and members of the Historical Committee, and to other volunteers, who are not necessarily members of either one of these two organisations, who have worked diligently to assist us in moving forward to completing the Botanical Park and also moving forward with the restoration of Pedro Castle. Although nothing is visibly on site, that is at the renovation of Pedro Castle, much work has been done in preparation for what sort of restoration should be done to this very historic building which served in the early days as our Legislative Assembly building and also our Court, among other functions. Members will no doubt recall the briefing given on that particular subject here several weeks ago.

I wish also to place on public record my thanks to His Excellency the Governor who, I think we all appreciate, has a keen environmental interest and who has set up the Governor's Fund to be used for environmental purposes. We are indeed grateful for all the assistance that he has given us with this subject, and look forward to his kind further work.

Turning to my district. In the 1994 Budget, there is an allocation for the renovation of the Hell Post Office, as well as other renovations in that area. There are also proposals, and



perhaps something more than proposals, but funds to complete the purchase of a parcel of land to be used within the district proper of West Bay as a public beach. I believe this is long coming and I believe that any of us who visit the public beach on Seven Mile Beach Road on many occasions, they would visualise the need for each one of our districts to have a little area for the local residents of each particular district.

There is significant allocation in the Road Vote for West Bay. We have, so far this year, improved certain roads within the district and, may I say to the people of West Bay, it is only the beginning. I am mentioning West Bay, but I am cognisant of the fact that the Road Vote is properly shared. I think, among all the districts. There also will be work done on the shoulders of the Seven Mile Beach Road (I call it), which will allow, perhaps, better traffic flow and moving on to the consideration of perhaps having two lanes coming into George Town and one going to West Bay.

This, together with the allocation for a corridor beginning in the Harquail Centre area, going towards the Airport, I believe, is the proper approach to improving the traffic congestion along Seven Mile Beach. On the one hand we deal with the present West Bay Road seeking to improve the shoulders in order to provide adequate space to have two lanes coming in and one lane going out, that is only, in my humble estimation, a short term solution. The longer term solution is the additional corridor coming into George Town, beginning at the Harquail Centre. That, too, is the beginning of what may need to be a longer corridor, but we will deal with it in accordance with the Government's ability to fund it.

We are beginning in the West Bay area, I think, mainly because of the traffic congestion that is caused in the more attractive tourist area of this Island, not to say that a system should not also be given and funds allocated for the eastern districts traffic congestion problems as well. But, we have to start somewhere, and our approach is, let us start here and move on to improve the traffic flow all around and do it within a reasonable budget which the country can afford.

In West Bay, as the Member for Health mentioned, there is provision to have a new district medical clinic, which is long overdue. I am obviously 100% with him in moving forward with this project.

We have to provide the facilities for our young people, for our senior citizens and, maybe lastly, for ourselves so we too can enjoy our stay here in the Cayman Islands. May I say that this country, I believe, has made significant changes, positive changes in the last 12 months with this Government. I believe we are beginning to see some of the fruits of our labour that we have expended.

In my view, 1994 will be even a much better indication of changes to come in the Cayman Islands. It is beginning to show a few rose petals and I look forward to working with all Members and everyone in the Cayman Islands to ensure that our standard of living and quality of life remains to that high, acceptable level to which we expect it to be.

Thank you, Madam Speaker.

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and

**HON. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I would first like to congratulate the Honourable Financial Secretary on a Budget that is good and which presents clearly and fairly the financial position of the Cayman Islands. I would also like to extend thanks to the members of his staff who assisted and worked very long hours and also to staff in my own departments and my Portfolio for dealing with the Member's task of putting together this Budget.

The Budget itself has very clearly set out what is a very healthy improvement in the finances of the Cayman Islands. It has shown that the economy has turned around and despite having to take firm measures in this Fiscal year, we have seen that the position which existed over the last three years, where there were not sufficient funds, sometimes, to pay for the full recurrent expenditure, much less to contribute to capital, has been reversed. I would like to go into that at a later stage because the trend that had been set by the Government in the years 1990/91/92, would have taken this country into financial disaster. It took it to the brink of that and we are now having, for the first time, positive results that the economy is bouncing back.

Madam Speaker, we produced a Manifesto and honestly put forward in writing, printed and circulated, what our policies and views are in relation to the different areas of the country, and these are clearly set out under the specific headings. The Budget shows a subsidy for Cayman Airways of \$4 million for the coming year and I would like to deal with what I believe has been the most difficult task I have had in my 20 years of public life (and one that I hope I will never have to repeat again), but also to show where we have come from because Cayman Airways, if left on the course that it was going - where it was having losses in the vicinity of between \$10 million and \$13 million a year, would have completely wrecked this country if left unchecked. I would like to show what we have achieved and what, a year ago, the people voted us in on the basis of.

At page four we stated that our policy was that we support Cayman Airways and regard it as valuable to the Cayman Islands' economy and to our people. That we stand by. Under our objectives, the first one (and this has been substantially completed) we said:

"1) We believe that in accordance with paragraph 3.1 - 'Main Conclusion and Recommendation' of the report of consultants Airline Services Ireland ('ASI'), Cayman Airways Limited should 'consolidate and optimise its present position in terms of market share, load factor, revenues and cost. In pursuance of this strategy every effort should be made to contain major financial marketing exposure such as would be created by further fleet expansion.'"

The second thing was:

"2) Cayman Airways should have followed ASI's recommendation and should now, by legal means, reduce its fleet back to three suitable jets at reasonable lease rates."

Madam Speaker, we have achieved this. We have reduced back from five jets to two. We have had to weigh the position between three jets and two jets and the economics show that we are better off financially with two jets. What we have definitely done is we reduced our major exposures and we have now reached a stage of consolidating the fleet with two jets.

"3) 'Review CAL's routes where serious losses are made.'"

This has been done. We have cut New York, Turks and Caicos, Tampa/Atlanta, Houston, Miami and at present we fly to the North American Continent, to Miami, Tampa/Atlanta, Houston. We also continue the flight to Jamaica, which is a profitable route. We have improved the route to Cayman Brac and Little Cayman. I was very clear in showing that no cuts be made there and with the assistance and the continuous prodding from the First Elected Member for Cayman Brac - which I seem to get about once a week - we are still trying to improve on the Cayman Brac and Little Cayman schedule and flights.

"4) strengthen CAL's Board of Directors and set guidelines with accountability to the Member for Tourism who must account to the public for expenditure of public funds on CAL."

When this was written, the Member for Tourism was also the Member for Aviation. I am very happy to say that this has been done. The changes in management and staff have been made and the changes in relation to the Member was also made by the people. We still have the same Board of Directors, but the proper guidelines are now in place - the Board functions as a Board, it makes its decisions and I neither have the power or the will to interfere in the decisions that the Board makes. The Managing Director has his sphere of decision-making, once again the Board does not directly interfere. It is true that this House represents the shareholders (the elected Members represent the shareholders), but it was crucial that the Board function as a Board and this, once it was put in place, we now have meetings where proper agendas go out and matters are properly considered there and I believe that it is the first time, in a very long time, that the company is functioning as a company, and it is functioning very well. I do not always, necessarily, have to agree with the decisions that are made. Many times, where the shareholders make decisions, maybe the Board or the Managing Director may not agree. But we understand the parameters under which we operate, and this has been important to the success of taking Cayman Airways through the very long, harsh and difficult down sizing to a least cost airline.

Number 5 of our Manifesto said:

"5) Abolish the Executive Committee as recommended by the consultants and reduce the Managing Director's powers and review this position."

Madam Speaker, the Executive Committee has been abolished, the Managing Director's powers have been greatly slashed and are very carefully set out in a document so that he knows precisely what he can and cannot do, as any other managing director in a company. As we know, the position of Managing Director was reviewed and changes were made. We still have a sub judice case-pending against us by the previous Managing Director of Cayman Airways, so I will not go any further into that.

Number 6 was:

6) Institute better management, staff communication, participation and team work ethics and review CAL's reservations systems."

We obviously have better management because we are a lot better off. We have better staff communication, regular meetings are held, not only interdepartmental, but there are times when the full staff of Cayman Airways gets together along with the Managing Director, the Chairman, sometimes all of the Directors and myself, and we sit there and face the staff eye-to-eye and say to them, "let us know what your problems are, what your aspirations are", and we tell them ours. I have been told some very hard things in there but I am man enough to take it. I have done some very hard things in Cayman Airways, so the justification of that is there. What is important is that there is now communication, and the staff is now beginning to pull together as a team, we are consolidating Cayman Airways' position and the difficult days of cutting back are gone.

Cayman Airways' reservation system has been reviewed and the necessary changes have been put in place. So we have also fulfilled those aims that were put in our Manifesto.

"7) Seek a legal solution in relation to the two 737-400s which Guinness Peat Aviation ('GPA') has a right to return in 1994 for three years at a total lease cost of approximately US\$20 million."

Madam Speaker, the accounts will show that settlement cost the Government, which had to guarantee it, some \$6.2 million, and that is reflected in these accounts before the House, where a loan of some US\$20 million had to be finalised last year, which the previous Government was unable to get, and this has been used to pay for the \$6.2 million which became due in January 1993. The decision was made

in June 1992, but like everything else, there was no money in 1992, and this had to be paid out beginning in January 1993. Like I said, that settlement was really not a settlement. The \$6.2 million was paid to adjourn the problem for the National Team Government to solve it. The solution did not come until this year when we made a payment of \$1.3 million to Guinness Peat Aviation for a final settlement in addition to the \$6.2 million that the last Government committed us to pay and the 737-400s (the two of them) have gone back and the leases were cancelled.

What is important here is that if this had not been achieved, Cayman Airways would not have survived, to be very frank, I would have liquidated it if we could not have gotten rid of these two jets (737-400s) and another 737-400, which I will speak of shortly. In the negotiations with Guinness Peat, we were able to save approximately \$1.5 million over and above the settlement on the leasing of a 737-400, beginning in about another year and a half. So it was indeed good and, like I said, it finally produced a solution to the problem and put to rest that 10 or 11 years of leasing that remained and had been reduced to three years by Guinness Peat.

We also were able to give back the other 737-400 from ILFC and, as Members will see from the accounts, we were able to save approximately \$1 million in rent because we negotiated with ILFC to pay half of the rent only on the 737-400 on the remaining six months that it was with us, and further than that, we got another \$5 million back from the deposits that had been paid. But, the Airline madness (I would have to call it) in the decision to lease three 737-400s, at a price that anyone could have seen would have put Cayman Airways under, was going further than that because there were options to take further jets (737-400s) and there were options built in, I understand, also to have the right to buy them. Madam Speaker, looking at Cayman Airways, it seems to be no way in the world that it could have made sense for those decisions to be made. Anyway, I got all of that cancelled as well. This was one of the several things that was brought out sometime before.

Under paragraph 7 of our Manifesto, I think we achieved this far beyond my imagination because the contrast was a matter, \$1.3 million to cancel the leases on the 737-400s and totally get rid of them, as opposed to \$6.2 million to adjourn the problem for basically two years.

Number 8 says:

"8) In light of CAL's serious losses of US\$20.4 million for the two financial years, 1990 and 1991 to 30th June, 1991, and US\$4.8 million for six months ending 31st December, 1991, immediate action will be taken to reduce future losses."

Well, Madam Speaker, I normally think out and weigh things very carefully, which I did in this case. But within a matter of a few weeks, the stage was set for cutting back the fleet from five to two, for changing senior staff in Cayman Airways, for getting rid of the very expensive system and waste of money that had been going on over the years. I have had some people say that I had acted very quickly, that is true, but I was very careful to peruse and to weigh carefully exactly where we were going on this.

I would like to pay tribute to the staff of Cayman Airways, to the Chairman, the Board and the Managing Director, especially, for being a part of the team that has saved Cayman Airways. I know there were times when the staff looked at me as being very different in many respects to the two previous Members for whom I have a lot of respect - Mr. Jim and Mr. Norman Boddien - but I have endeavoured to let Cayman Airways run as a company rather than attempting constantly to solve the problems from a Member's point of view. While I have taken part, as I felt right as a shareholder and representing the public funds, I should say any time that I feel there is not sufficient accountability to the public for the funds, then, provided I can legally intervene, I will intervene, because I do not think that the public's funds should be spent without accountability.

Lastly, Madam Speaker, is number 9. We said that we would:

"9) Ensure that there are regular, practical flights to, from and between Cayman Brac and Little Cayman which are convenient."

The First Elected Member for Cayman Brac and Little Cayman knows that I appreciate all that he has done to assist me in many ways, not just in relation to this area. We have kept Cayman Airways' jets in there, even now we are trying to alter some times in relation to it. But, what I have done now, is to successfully negotiate with Island Air - and I should say that Island Air's application and request came in many years ago, I do not know how far before, but I looked back in the file and several years ago they were trying to assist with the service there - and we are now able to put in place (which will become operational within a few weeks) something which will definitely assist the Sister Islands. Just up to a day before the Managing Director went off on official business, I was discussing with him how we can further attempt to get better hours and, if possible, get a further flight which will assist the Islands because I believe that the assistance of air travel has to be one of the ways that we can help the Sister Islands to further develop an infrastructure to further produce income that can once again be put into building up areas of Cayman Brac and Little Cayman that will be of benefit to the people of those Islands.

I was asked by the Second Elected Member for Cayman Brac and Little Cayman, whose contributions and questions, unfortunately (as I hope the public in Cayman Brac can hear), are normally very negative, whether I was going to stop flying Cayman Airways when Island Air came on stream, and the answer to that is no. Cayman Airways will continue flying to Cayman Brac. Notwithstanding the loss, and if they noticed for one year I have not referred to this, I am not blaming Cayman Brac and Little Cayman for Cayman Airways' losses. I want to make that clear. I think if we have to make a loss on any route, it must be for our own people before it is for people in the North American continent. So, whatever we have to do there, I give the assurance to the First Elected Member for Cayman Brac and Little Cayman, and the people of Cayman Brac, that

we will do what we have to do. We cannot do everything, and with only two airplanes our hands are tied. But we have kept in place the route, notwithstanding that we reduced from five jets to two. A lot more could have been done with five jets, believe me. But nothing has been really done that will hurt them in any way and it has always been to assist them.

I would like to turn to another aspect of Cayman Airways, and to say that I believe that out of the \$12.9 million that was estimated by the last Government to have been lost this year, that the public will find that a very substantial amount of that, probably near to one-half of it, will not be lost. I always remember the saying, that I understood was attributed to Dr. Roy, that "a penny saved is a penny made". Similarly, losses that are not incurred are the equivalent of money saved. That \$5 or \$6 million that would have gone - and I can assure the public that the last Government and the last Board of Cayman Airways (I have to be careful how I say "Board" because I have the same Board), the trend that was set, they would have probably lost that \$12.9 million this year - we are way, way away from that. We have had several unusual items this year that will not occur in the coming years and, therefore, will not show up on the profit and loss. Those unusual items are probably going to be well in excess of \$1 million. They include the expense on the C-Checks, and it is really sad that one of the reasons why the 727-200s, which our competitor American Airlines is now flying in here, were sold was because we had to do C-Checks, or D-Checks, whatever the checks were on them, and we have just done it on planes. We also had to charter during the time those planes were undergoing the checks. I would like to compliment the staff at maintenance for a job well done in that respect.

We also had, with the return on one of the 400s, a loss of about \$200,000. But we did get back about \$500,000 out of the \$700,000, so, at least there was some savings there. But these, along with the payments that were made for retirement of staff in Cayman Airways, and also for the down sizing, has been very difficult and traumatic, it has also cost money. But, I think we will be able to show in the years to come, in the long term what was done there will be for the benefit of the country. I would like to pay tribute to the staff who have retired, we had some very good staff who retired, and we have made sure that the package that the retiring staff got was well in excess of what the Labour Law required because I believed, as did the Board, that we had to be fair in what was a very traumatic and difficult down sizing.

Madam Speaker, I am not saying that we will be able to complete totally everything in our Manifesto, but what I can stand before this Honourable House and say is that anyone who looks at pages 4 and 5, and the 9 objectives there on Cayman Airways - which I believe was this country's biggest problem - we have achieved them, and I am very happy that, with the help of the National Team, and some of the Members of this House, at least, and I appreciate all the help and the support because, believe me, many times I went back to the National Team in our meetings on Tuesdays (when we meet), I had to say to them, "these are the things that it appears we have to do, are you going to stand by me, or should I take another course?". It has been a joint effort of the National Team, and I want to stress this - well, with the exception of, I guess, what is obvious to the public now, one of the Opposition Members who has gone from us - that we have achieved what we have achieved. But even in the early days when he was in there, I will give credit, he was a full part of the Team. When he did come, he assisted. So, it has been a joint effort. And this is the only way that things can really be done. It has got to be a joint effort between everyone who is involved. Provided we understand the parameters of where authority begins and ends, and provided if we have to do harsh things that we do so equitably and with a conscience, which, as I said, with all of the retirement, what I think was a very fair package was offered to the persons, and also to the persons who were terminated, we were very fair with this, because these are our own people.

Really, the harshest and the heaviest cutting was done in the United States, and quite frankly, what was in effect the head office in the Miami Office was very drastically reduced. A lot of that was brought back to Cayman. So we tried not to have very much of the impact on Caymanians.

I know it has not only been my prayer, but it had to have been a lot of other peoples' prayers, including the staff of Cayman Airways, that have helped us to get to where we are. What I want to say, is that we are still not out of the woods. It is still a very long and difficult struggle that has to be undergone. So, I would not like for the Members of this House to believe that all is going to be easy. Competition now is nearly twice what it was when the last Management and Board buckled under, threw up their hands, and said unless they got protection from the United States, Cayman Airways would go under. I believe that Cayman Airways' long term future has to be in standing on its own feet and finding its own niche in the market, operating as a proper company. It has to be in, I would say, wooing the support of Caymanians for our National Airline because it is a pride and joy to me to see the Airline flying in foreign countries, it is a good feeling. But it also saves a very large amount on advertising that we would not otherwise get. It provides a lot of jobs for Caymanians and I will do everything within my power, and I am sure Members of this House will do the same, to see that Cayman Airways continues. But, as I said earlier, we have to be realistic and, in the early days, had to weigh that against the cost.

From there, Madam Speaker, I would like to leave aside just one area of Cayman Airways that I would like to come back to because it ties into another area of what I will be saying. For at least a brief period, broadcasting, television and radio has been under my Portfolio. As Members know it will be going back to the Chief Secretary sometime in the near future, at such time as His Excellency so determines. It is placed under the Chief Secretary's budget, but I feel that I should say a few things in relation to it because, while I have not been as involved in it as I have been in Education and Cayman Airways, I have assisted as best as I could in furthering Radio Cayman and broadcasting generally.

What Members will see is that there is a fairly low-cost upgrading of equipment at Radio Cayman, as some of the broadcasting equipment is now 12 years old. As they know, we have phased out the AM broadcast, we have brought in a second FM broadcast. I know there were, and continue to be, some problems in Cayman Brac because of, what I understand, interference caused perhaps by the Bluff and we are attempting to get this worked out. We have seen very good programmes that have been put on at

Radio Cayman, programmes that are important to the schools and society and to Caymanian people. One of the FM stations substantially broadcasts music now, but on specific times it is combined with the other FM channels that bring in educational and sports and news. I would ask Members to support the Budget that is in there. It has been drastically cut back but I feel that having the two stations, Z99 and Radio Cayman, has provided some competition and that is healthy in any society. But we have seen, and I am pleading Radio Cayman's case here, that with the increase in television, and further publication and competition from the other station, there is not as much advertising money to go around when there were fewer advertising media on the market. So there has been some reduction in revenue but this is inevitable, and it has come about generally. But I am satisfied that at Radio Cayman the staff are doing everything that they can, that they are competitive and they are providing a good programme. I will continue to follow the success of Radio Cayman when it goes on to the Chief Secretary.

Perhaps my most difficult part of broadcasting has been an attempt to get the licensing in place on the other television and radio station. I have diligently pursued this. It is a very complex legal area and with the help of the Legal Department and, specifically, the Temporary Honourable Second Official Member, the Acting Attorney General, Mr. Marsden, we have been able, together with the help of the Portfolio of Communications and Works, and the Honourable Member and his Principal Secretary, to get drafts on most of the licences out to get some temporary licences in place and hopefully, very shortly, we will get the balances of these licences worked out. But it has been long periods of negotiating with the companies who, naturally, are trying to get what they wish in it. But my overriding duty is to see that the public of this country is protected and that the broadcasting is in its interests and not something that is going to degenerate the Caymanian society. To protect the public, at times we have had to put in very strong clauses. I should mention that I have inherited some licences. The Honourable Attorney General and myself did not deal with all of them. But I would like to say that I do support the television companies and the radio and I will do everything that I can to assist them, provided that they clearly understand that my duty, or one of my main duties, is to protect the public and whenever there are programmes that are too violent, or racial, or immoral, or whatever, that would be in breach of that licence, I intend to come down hard - or the Executive Council in most instances or the Broadcasting Authority in others, will come down hard on them. I have had a lot of cooperation from the news media, the television and the radio.

**THE SPEAKER:** Honourable Member, would this be a convenient time to take a break?

**HON. TRUMAN M. BODDEN:** Yes, Madam Speaker.

**THE SPEAKER:** The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:31 A.M.

PROCEEDINGS RESUMED AT 11:52 A.M.

**THE SPEAKER:** Please be seated.  
The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker.  
Education is one of the largest expenditures that is in the Budget. This is so because the Honourable Members of this House realise that educating the youth of this country is one of the most crucial and critical things that faces us at this time, because the future of this country depends on our youth. I was very happy today to see, Madam Speaker, and as you mentioned that you appreciated the students who were here today, I too would like to join you in that, because students generally are our best investment in the future. To quote the Second Elected Member for Bodden Town, "If you think education is expensive, try ignorance." That, Madam Speaker, sums up very carefully the case for the sizeable expenditure that this country makes each year on education.

Education has always been very dear to me. I spent some ten years after finishing school continuing my own qualifications and I am very proud of that. I do not often speak of them in this Honourable House, like I know the two Opposition Members continuously flaunt theirs, but I have a few more and I am very proud. I would like to see every student, every young person in this country get educated to the maximum, and if they can get two, three or four qualifications or degrees whether they are academic or professional throughout their life time, then that is a good investment by the people who strive and sacrifice to get it.

Our duty, and specifically my duty as the Member for Education, over the next few years will be to deal with the wide sweeping changes that were made back a year or two ago and to have a proper and detailed implementation of the system. I believe, Madam Speaker, that the success of any education system requires a partnership between the students, the teachers, the schools (both public and private) and their management, the Department of Education and the Portfolio for Education. It is only in that partnership that we can meet the educational goals that are going to be necessary to move us into the year 2000 and beyond.

I have involved students in the decision-making process of a very major policy - the one on drugs - and I found their input very good, very healthy. I intend, as I publicly stated yesterday, that the Department and the Portfolio intends to continue to include them in the decision-making process because, after all, they are the receivers of education and they must have their part to play in it.

The last Government, with the help of UNDP, commissioned a review of the Education System by Mr. James Porter of the Institute of Education at London University, and Dr. Desmond Brunes of the University of the West Indies, together with two local Educators. The review which was done in 1990, made some 63 recommendations which were all accepted in principle by the Government of the day. In 1991, a team consisting of two consultants from UNESCO, together with two local consultants, drafted a 5-Year Development Plan and that consisted of 11 initiatives.

Madam Speaker, there has been confusion between the Education Review and the Education Plan, they are two different projects done by different people - they interrelate but they are different. I am just saying this because there seems to be a constant changing between the Review and the Plan by members of the public, at times, and also in the press.

The 5-Year Development Plan brought in by the last Government had initiatives that included four levels of education - Pre-School, Primary Schools, Secondary School and post secondary, which would be Community College - regulations of preschools, development of a National Curriculum, and encouragement and improved conditions of work aimed at attracting and retaining Caymanian teachers, in particular. The grouping that I mentioned in here came from the Development Plan.

The initiatives were further broken down into four programme areas, and the programme had objectives and certain components to it. Madam Speaker, that Plan set the direction for education by grouping and setting out the components of it, but had with it no detailed implementation plan, and herein lies the serious problems that I had to deal with when Education became my responsibility. It did not deal with the implications of the recommendations and the changes that would affect one programme area when there was a change in the other programme area.

The Portfolio and the Department have spent the last 11 months or so studying the implications of the sweeping changes that the 1990 Review proposed, and that the 1991 Plan dealt with. What I would now like to do is list some of the changes that the previous Government had already put in place, and I would like to go on to show some of the problems that arose, because a lot of the funds that are in this Budget now, are going towards dealing with the problems that will have to be sorted out over the next five years or so.

The previous Government brought in the following changes:

- (1) The reception classes were closed in July 1992, and some of the preschool age children were enrolled in private schools and, with the exception of the preschool children who attend Government Schools in Cayman Brac and those that are subsidised fee-wise by the Government (and a substantial amount of nearly \$200,000, I think, is in the Budget for this), the last Government no longer had responsibility for preschool education. It was basically cut out of Government's responsibilities.
  - (2) The Middle School was abolished and students were retained at the George Hicks High School which was then to be turned into a five year High School.
  - (3) An additional year was added as Year 6 to the Primary Schools and an additional year for secondary education was approved.
- But there was no firm decision as to where this extra year would be, and there was no curriculum in place for it. Well, obviously, there could not be because they did not know where the year was going.
- (4) The GCSE examinations were abolished and the CXC examination was introduced in September 1992.
  - (5) The National Achievement Test was abolished.

Madam Speaker, with the stroke of a pen the previous Government (the Government of the day) basically either abolished or changed literally the whole Education System. Something that is normally done over a very long period of years in very clearly defined stages, of which there is a fully detailed implementation plan because we are dealing here, Madam Speaker, with children's lives. We are dealing with their future, and the future of this country, and immediate, radical changes such as this must - in any business, much less in something as important as education - be introduced a bit at a time and in stages.

I would now like to show the implications of these changes, and I am having to do so in a summary form because the details of this would be considerable. The removal of the reception class from the Government Education System basically meant that four-year-old students either had to attend a private school or, in many cases, had to remain at home with a member of the family or with the helper. This resulted in a lot of private preschools being formed and the present ones being expanded. Despite guidelines that were set out for the operation of preschools by the Education Council, many of them were not registered. In fact, only about three out of 24 preschools were registered.

As Honourable Members of this House will remember, we had an unfortunate shooting incident recently by a four-year-old preschooler and this led to the Education Council stating that a 90 day period would be given for preschools to meet the requirements of registration or risk closure. However, the Education Council also stated that they would assist those schools in being registered and took a positive approach to this but set out a guideline and a 90 day period in which to do so.

Madam Speaker, I believe that the importance of proper preschool experience as a prerequisite to entering formal schooling has to be a priority of both the Education Department and Portfolio, and to this extent a complete review of preschools, and the system, is now being undertaken. Unfortunately, the classes the preschoolers were in were used to add the extra year to the Primary Schools. I believe (I am fairly certain), that the decision for Government to abolish and shirk its duty to preschoolers in this country was the wrong decision. But at present, Madam Speaker, I am basically stuck with that decision and in the short term I can do nothing to reverse it. As I will mention further on, when you have children coming into a primary class with different levels of ability it makes it extremely difficult. We heard that yesterday at the Education Conference. To be able to teach that class, because some of them, for example, will know their ABCs and, may be able to spell their name, there are other ones that sometimes have to be taught certain basics such as learning how to tie their shoe laces, or just care for themselves, and who really have had no foundation work. So you get a mixture of ability in those classes. Government still has a problem and so do the private schools, I should add.

Madam Speaker, the most important and most urgent recommendation made in the Education Review was to reorganise and strengthen the Education Department so that the staff could cope with the heavy additional work-load of dealing with the 5-Year Education Plan. Most of the other recommendations were, unfortunately, started by the last Government, but they did nothing at all to reorganise and restructure the Department. This is something that I honestly cannot understand, because anyone setting out to do a task as big as this must first, sit back and think how I am going to do it. If the Department is not capable of taking on what is nearly a doubling of its work, then it cannot be done. So the first thing you do is to count the cost, and figure out how you are going to do it. This was put in as the first recommendation.

The last Government did nearly everything else, but did nothing with the Department. When I asked why is this not being done, or why, for example, do we not have an inspection in place on private preschools, the answer was, "well we do not have the staff". There was not the organisation of that part of the Department to deal with it, and quite rightly they said, "we are the same now as we were before they started".

So this has been one of the areas that I was very critical of, and I will continue to be critical of it because I think that we have wasted about two years that we could have given much better quality education to the children. The thing is, when the children lose a year's education, it is lost forever - time stands still for no man. Whether there is an attempt to justify it or not, what should have happened before there was any sort of implementation, not only should an implementation planning detail have been put in place, but the Department should have been reorganised.

Madam Speaker, I am happy to say that the reorganisation and the strengthening of the Department of Education, which will include seven new posts, is now well underway and it will be implemented early in 1994. It will mean new senior positions and it will mean, specifically, a position to deal with the National Curriculum which is a very important part of the education planning over the next few years.

The additional year of secondary education has been implemented at the High School as year ten, and we have now been able to put in place a new ten year curriculum which has been added as a foundation year leading up to the external exams in year 12. But, as we know very well, Madam Speaker, the House, under the last Government, and under a Motion put, I believe, by the First Elected Member for Bodden Town, added another year. But nobody knew where the year was going. This is the sort of planning that we had.

When the National Team won the elections a year ago, along with the other Members of this House, we had to face, at a very early stage, decisions such as this, where I would have liked to have had wider consultation on some of the decisions I made. But I would like this House and the public to know that many times decisions had to be made within a time frame because planning for education is not like planning for Cayman Airways. You are dealing sometimes with three, four and five years at a time. I will show this as we go further down, that matters such as this should never have been implemented until there was a proper study of it. I will show the implications of just this one change, and how many things that one change has affected.

Once we have the establishment of an Education Officer, with responsibility for curriculum and testing, a team of curriculum subject leaders will be formed who will help, with the help of the teachers, and drawing on the advice of the National Curriculum Council, and begin working on a National Curriculum. I regard the National Curriculum as an extremely important part of the Education System. The Portfolio and the Department have received much advice and support from other countries who have developed their own National Curriculum, and it is expected that because of the changes made prematurely in 1991, and 1992, which made revising of the present curriculum for years one to 12 essential, the National Curriculum will have to be developed in a much shorter period than was first envisaged.

The adding of the extra year to the school system meant that every curriculum from years one to 12 had to be changed. Some we managed to change and others we have not. But what should have been done, Madam Speaker, is that before the year was added, someone should have had the foresight to have the curriculum ready. Then there would not be this rush to have to deal with 12 years of curriculum. About four have now been done and it has meant adopting and adapting, I guess, from the curriculum that is there. But I am committed to seeing that this is carried through in an effectual way. I would just like to point out here while I am criticising areas of this, because the public and this Honourable House, I think, needs to know what the problems are, I will solve the problems of education. I am very confident I will do that. I can do it. But it is not going to be done in one year, and this is what I think is important for this Honourable House to know - that there is so much being changed and so much to be done that we are looking at another possibly three years before you really see the effects of a lot of this taking shape.

The National Curriculum in most countries has taken between five to nine years to do, and I can assure you that we cannot wait that long. We are going to have to finish this

within a few years, possibly two years at the most, because children are in the process of going on and the curriculum adjustment has to be made to cope with the system. What will be critical after this, as was brought out in the Education Conference yesterday, is going to be a constant review to be able to keep up with areas of deficiencies or areas that may arise as we go along.

Upon the reorganisation of the Education Department we anticipate that we will have the facilities and staff to provide three yearly inspections at public schools, and after consultation with private schools, also at private school. This is a very important aspect. We really have no inspections of any sort, as an organised Department, in place at this time and this was clearly brought out with the preschool problems that we have had. A proper inspection team there, could have further highlighted, and I know I should say this, the Education Officer, who had responsibility for this and other things, it was physically impossible for her to deal with 23 schools and to do her other work. But I hope to see a proper inspection in place and that is, once again, very crucial. It was important that matters like this had to be put in place before a lot of these changes came about.

The Portfolio recognises the essential role that a National Curriculum plays in the Education System and it is committed to ensuring its relevance to life in the Cayman Islands. Tourism Education will play a prominent role in the curriculum development, as will the revision of the local social studies text books currently used in some primary classes.

Madam Speaker, more and more we try to have input from what is relevant locally in the curriculum, stretching from year one through to year 12. It will specifically be the duty of the National Curriculum Council, the Advisors, and the Facilitators to ensure that we do get the input that we need in it. But for it to be done right, the National Curriculum has to have the partnership and the cooperation of the private sector. Members of the organisations in the work place have to have the cooperation and input from students, teachers and parents. What has to come out of the National Curriculum is a coherent curriculum from years one to 12 which is geared towards relevance within our own society. While we can draw on other countries' curriculums in some areas, we must have an innovative National Curriculum Council that is going to put together what is necessary to have this in place and, unfortunately, we are going to have to do so fairly quickly.

The Member for Tourism has done a lot to promote tourism in his short time in there, but also he has assisted in the tourism education role and, indeed, the schools, as well as the Community College, feature tourism very prominently in it as well as the local social studies side. Once again, it will be important that the different Portfolios, but especially the Tourism Portfolio, are represented on the Council and we have the input from those sides. Like the Chamber of Commerce, they have their Education Committee, which I have met with on several occasions and I value their input. Also, many of the organisations that we have met with, such as the watersports, have all pledged to assist to ensure that we are getting input into the curriculum for the schools.

One of the criticisms that we have made and we have made it in our Manifesto in two areas, is that too many changes were begun at once without the proper scheduling and a detailed implementation plan. Now what we have begun, Madam Speaker, is an exercise of strategic planning for education which will involve the administrators, educators, students, parents and the community. This strategic planning is what will provide the detailed frame work - both time wise, and otherwise - of where education is going. That should have been done three years ago and the first thing they would have found out, I think, as a result of it, is that you cannot do everything at one time.

The restructuring of the George Hicks High School and the John Gray High School, to become two five-year High Schools was suspended and this was in part because it definitely did not have the majority support of the parents, but also the physical planning and the financing to upgrade it to a full High School was not in place. In fact, there was really no move towards dealing with this at all, other than the fact that a decision was made to change it. But you cannot just make a decision in limbo to change the schools and leave it, expecting it to change itself. It takes a lot of effort, especially when the change is as radical a change as was proposed.

Madam Speaker, what will happen now, is that the George Hicks High School will be developed as a Junior High School encompassing years seven, eight and nine, and a phased Capital Development Programme in two parts, will begin in 1994. The provisions are in the Budget for this, and this will add additional classrooms, specialist rooms and a new library for the George Hicks Junior High School.

Attention in the form of inservice training, including specialist workshops, will allow staff to focus on good practice during the middle years of schooling and the students will be able to develop the work habits and study skills which are so important when they move into the Senior High School. Close attention is going to be paid to the requirements of the transition years of school and the needs of the 11 to 13 year old age group.

Madam Speaker, the second most critical recommendation made by the Education Review was a lack of communication. A lack of communication between schools - Primary, Middle, Senior High, Community College - Department and Portfolio. I am a firm believer that unless communication goes both ways, there can be no results. If directives are given from the top down, as we faced in some occasions in Cayman Airways, and nothing flowed back to the top, then we get the disaster that we had there. To this effect we have just had the first National Education Conference, which I will deal with a bit later, and what I have endeavoured to do, as we go to the different schools, is to sit with all of the staff, say to them that they can freely talk to us. While I cannot deal with matters that are purely Civil Service and relate to conditions of service, the Principal Secretary is there and if they wish to raise it with her and the Chief Education Officer, they can. But what is important, is that I sit there and I allow them to criticise policies or to give input on something and they must know at this stage that the worry they had in previous years under previous Governments, is gone. If I was going to

try to retaliate in any way against staff, they would have known it by now, because I have endeavoured to sit with them and, like yesterday, sit in public and take the criticism of a body of 300 to 400 teachers in areas on the Education System. I think that once we have that level of communication which was about as frank as you can get, then it has got to be positive and good, provided we take the good recommendations along with the bad criticism.

I have endeavoured to have meetings with Heads, to have meeting with the staff, and to attempt now to increase this communication, because when I got in there I was told that statements had been made publicly, that if the staff did not like the proposed policies, then they could leave - and that is totally wrong. They must have their input the same as the students must have their input, and the parents must have their input. We have to weigh it. The decision, ultimately, will rest with the Portfolio but it has been extremely rare instances, Madam Speaker, that the advice that I have gotten has not been very good advice.

The recommendation in the Review that the Sixth Form should be transferred to the Community College in September 1994, has been accepted, and the John Gray High School will then be able to concentrate on a smaller student body in years 10, 11 and 12, with particular emphasis on career guidance, preparation for the world of work, including work experience, and the external examinations. We have a mature Community College and this reduction in the number of students, by this going on to the Community College, will help students at the John Gray High School and it will make the life of teachers, staff and students a lot better.

The statement, Madam Speaker, that I would just like to read, because I believe it raised some eyebrows from time-to-time on our two Oppositions Members, and I read: "Government hopes to indefinitely postpone building a third High School which, in 1991, was estimated to cost \$8 million by supporting the private schools in their attempt to provide secondary education. Private Schools provide healthy competition to keep the education standards high." Madam Speaker, not only this Government but, to much less extent, previous Governments also, assisted the private schools. I believe that every effort has to be given to assist the private schools. I know that in the past, a sizeable loan, for example, was made by a previous Government to one of the private schools, and we have assisted several of them since our time in here. But, putting aside the myth that private schools make a profit, as the Second Elected Member for Cayman Brac and Little Cayman, on his attack on private schools, stated. As a teacher I do not understand where he was coming from on that, but he must have the sense to know that no private school out there is making a profit.

But let us look at some of the facts of this. If we can avoid \$8 million in Capital Expenditure and approximately \$2.5 million of Recurrent Expenditure every year, does it not make sense for us to support private schools with \$5 million or \$7.5 million? I mean, it is simple arithmetic, which I know that the Second Elected Member for Cayman Brac and Little Cayman is capable of dealing with these figures. He knows - he has to know - that it is good economics to avoid paying \$2.5 million a year, and the \$8 million that I am quoting was two or three years ago. Ask Public Works now and it will probably be \$10 million or \$12 million. It has to be good economics to support the Private Schools to avoid having to expand and build more Government Schools. How in the world that Member cannot see that, I do not understand.

I think he has to understand, that Opposition for the sake of opposition, if it is hurting the future generation of this country, it will hurt him, because those students, sooner or later, are going to vote and, while I may be retiring out of politics one good day, persons like the Second Elected Member for Cayman Brac and Little Cayman never retire. So they are going to think even more of where their votes are going to come from in another 20 years. I will continue as long as this Honourable House will support me in my requests. I try to keep them moderate, but, yes, I am going to go on helping the Private Schools to take in more students and also to upgrade. It is very important here to point out that without sufficient funds, many times they do not have, or they are not able to pay somewhat higher salaries that could allow them to get more staff or better qualified staff. I am not criticising here, I am just pointing out a fact. When you are on a tight budget, sometimes you do not have sufficient money to buy extra books. I am not saying that that is happening, but if I can assist them in even increasing the standard of education in the Private Schools, then it is the duty of this House to do so. The Churches have long borne the brunt of education in this country and the time has come, I think, for Government to assist the Churches and the Schools in educating our youth.

Madam Speaker, one area that was not addressed in the Education Review, but is, perhaps, the most critical area of the Education System, is in the area of Special Education. For that I speak not only of dealing with children who may be under ability, but also gifted children. Very little, if anything, has been done towards dealing with gifted children. The system that now exists in the schools, which I understand that the theory behind the abolition of the Special Education Programmes was that everyone is equal in ability and all teachers are equal in their ability, therefore you put everybody in the same classroom and all children with equal ability should be able to perform the same. Well, we are in an imperfect world and where children need extra help, sometimes one teacher to one student, then we must now develop a system to assist them, so that when they are brought back into the main stream they are able to cope and develop their abilities to the fullest. While you can get a child of lower ability, not being able to expand to his/her fullest, similarly you can get a child who is very bright burning out because there is no special programmes to keep them interested.

I do not know why, but I believe the Education Review did not deal with it because of this funny theory that existed at the Portfolio level on equality. We all have different abilities, we all need different help in different ways and the Special Education Programmes are geared to have children, whether they are on the upper or the lower area of ability, perform to their fullest. You are trying to get them interested, to get them to move forward and there is no use saying, that you just put them in a single classroom, and expect that one teacher to deal with children with a whole wide range of abilities. We either have to put more teachers, more specialists, in place or, as came out in the Education Conference yesterday, we really need to sit down and look fully at this problem and deal with it from top to bottom once and for all. That is going to be one of the things that must be tackled early.

We are merging a part of the Alternative Education Programme which deals with some of the more difficult behavioural problems of children, with the Social Services Programme on the Cayman Marine Institute, and I support that programme fully. But, we will need to keep in place some type of supportive and Special Education Programme to deal with the children who are under 13, which the programme will not take. Children who are suspended for short periods, such as seven days from school, they need to go into a programme, and I think that jointly between the two Portfolios, the Social Services and Education, that we can get in place what is necessary to fully deal with these children and to assist them. The whole idea is to assist children in dealing with their problems and performing to their fullest.

Madam Speaker, the previous Government abolished the National Achievement Test and had nothing to put in its place. If they had gone down to Grade 1 in the Primary School and they had asked a question, "If you throw away the apple that you are going to eat now, should you not have an alternative apple or orange to eat?" They basically abolished the National Achievement Test and had nothing to replace it. This may sound strange, but this is what in fact has happened. What they did have in the Review was that they should develop testing for students in Years 3, 6 and 9. This, I think, has to go ahead and it has to go ahead extremely rapidly - a lot more rapidly than I would like to see - and to do so we must bring into the system a certain amount of expertise if we are going to deal with it within this short period of time. In other words, there is going to have to be people brought into the system, whether that is locally, or from abroad, just to deal with this because this testing and the profiles of the children that has to result from this, has to be properly done.

We have endeavoured to keep clear of consultants, and we have done that to a very large part. I am not saying that we may never have to bring in outside help, we will have to. But I can assure Members here, that whatever is done will be done out of a basic necessity, and that most of what we have done, in fact all of what we have done, including the restructuring of the Education Department has been done purely with local expertise. We have the ability within the country, but if we have to take specific tasks like this, then we cannot expect a teacher to be teaching class and deal with preparing the test at the same time. It is just physically not possible.

These tests, Madam Speaker, are critical to the advancement of the children because unless we have proper records in place, which was another area of recommendation, and we have proper testing of the children, then when they move from one class to the other the teacher is left at a loss as to where to pick up. There has to be a continuous and coherent system from Years 1 to Years 12. Otherwise, who suffers? The children. And this, unfortunately, is the sad part of it.

We have looked at systems in other countries and we have seen how they have dealt with them. Within a fairly short period now, I believe, we should be able to move ahead on dealing with these. At present I should say that testing does exist at the primary six, prior to going into the John Gray High School. But that is something that was worked out on a very, very rapid basis and it is really not fair for the teachers, nor the students, nor the parents, I guess, because some of them have been involved when teachers had to be taken out of classrooms to do things that should have been done. If these tests had been put in place before the abolition of it and, perhaps, I am not saying that the abolition of the National Achievement Test was right, what I am saying is, I accept what is here now, but anyone should know, before you abolish one thing you get ready what you are going to put in place.

Madam Speaker, from there I would like to go on to deal with, perhaps, the most inflammatory of the policy decisions and that is the final examinations for our students, which is now at year 12. The study for the GCSE examinations was abolished in September 1992, and the CXC examinations were introduced as the main examinations to be taken by students in their final year. This was not in keeping with recommendation 52 and Appendix III, at page 179 to 180 of the Education Review 1990, which recommended a phasing in of the International GCSE, as well as the CSE in some subjects.

Madam Speaker, I would like to refer in some depth to the Review, and I will do this after the break because I think it is crucial to see what was recommended as against what was implemented.

However, I stand behind, and I will see that full support is given, to the CXC system that is in place now and to clearing any difficulties that exist for the students who are there. Towards this aim, we have already tried to assist and do as much as we can - because it is a radical change to change the final examinations of a country without any phasing in, without any testing of what you are changing from. Maybe what we had was not right for the country but, surely, to have taken the recommendation and phased in subjects of CXC, find out how it is going to work, find out what the impact is, had to be the proper way to go. For what has already been done, naturally, I can do nothing on that. But from where I can now begin to follow the recommendation, the phasing in of about half of the International GCSE will come into effect for this sitting of examinations in 1996. I have always been very grateful for the help of the Lady Member for George Town who is a former Principal of one of our very good Private High Schools, she is really the only qualified High School Principal in the Legislature.

The changing of that number of subjects, basically with the stroke of a pen, has to have a very traumatic impact on the students, on the teachers and on the parents. The deficiencies which all examinations have, I would like to deal with and show at a later stage some of the problems that we are facing with them. But a campaign to make the parents and employers familiar with the final examinations will be mounted in the future and we will endeavour, as far as we can, to explain both the CXC and the International GCSE.

THE SPEAKER:

Proceedings will be suspended until 2:15 P.M.

PROCEEDINGS SUSPENDED AT 12:52 P.M.

## PROCEEDINGS RESUMED AT 2:18 P.M.

## THE SPEAKER:

Please be seated.

Aviation continuing the Debate.

The Honourable Member for Education and Culture and

## HON. TRUMAN M. BODDEN:

Madam Speaker, at the break I had just started going into some depth in the changing of the examinations, and I would like to turn to the "Education Review, 1990", at pages 179 and 180. There set out in the recommendations is that the recommendation was to introduce the International General Certificate of Education of the University of Cambridge (and that was set out at paragraph 1) jointly with the Caribbean Examination Council Exam. What was said about the IGCSE was that "after widespread consultation with international educationalists, the Cambridge syndicate has devised a curriculum and a method for assessment appropriate for wide ability range, and at the same time maintaining a standard of GCE 'O' Level for the more academically able students."

So, the IGCSE covers the wide ability range which would be, perhaps, 65% to 70% of the students. But it also maintains in the top three levels the equivalent of the GCE 'O' Level. So, in effect, it gets away from the old GCE 'O' Level, which catered mainly to the upper 20% to 30% ability range of students and follows more closely the GCSE which allows the ability range to stretch down to 60% and 70/75% of the students.

In the Bahamas, the final examination is the Bahamas GCSE, which was set up by the University of Cambridge. While the certificate is signed by the Government, it is also signed jointly by the University of Cambridge which immediately gives it an international standard. They also then went on to say that "one important feature of the IGCSE examination is that it would allow the examination to be taken as a certificate examination", that is, International Certificate of Education. They say that "this is a desirable feature that supports the curriculum framework put forward in this review." They recommended that it be introduced. On the Caribbean Examinations Council, which was paragraph 2 at page 180, they stated, "We wish to recommend strongly that schools make use of the CXE Examination, especially those in the following subject areas". And this is what is very important, Madam Speaker, here is their recommendation:

"That the schools make use of the CXE Exams, especially those in the following subject areas:

- |                            |                                    |
|----------------------------|------------------------------------|
| (1) Agricultural Science;  | (9) Wood,                          |
| (2) Home Economics;        | (10) Building technology,          |
| (3) Management;            | (11) Mechanical and Electrical     |
| (4) Clothing and Textiles; | Engineering technology;            |
| (5) Food and nutrition;    | (12) Principles of Accounts;       |
| (6) Electricity;           | (13) Principles of Business Office |
| (7) Technical Drawing;     | Procedures,                        |
| (8) Metals;                | (14) Shorthand, typing; and        |
|                            | (15) Arts and crafts."             |

Now, there can be no doubt that the recommendation of the consultants under the Education review was that there be a phasing out of the GCSE and a phasing in of both the CXE and the IGCSE. They pointed out the areas of strength of the CXE as against the strengths of the IGCSE, and also the weaknesses of each. The last Government, for whatever reason, did not follow the recommendation, and they abolished, with the stroke of a pen, the GCSE and just simply imposed - and I say imposed because it was imposed on the teachers and the students and the system - the CXE exam. No phasing in, no running side-by-side with the IGCSE, and this was wrong. To just take and change final exams, without doing so over a period of time, must cause problems. Now, we are endeavouring to deal with the problems that are going to arise, not just from the CXE, but IGCSE as well. But, after a period of time, a lot of these problems will come to the surface - a lot of them have already come to the surface, and we are endeavouring to deal with them. We are endeavouring to find other exams that can supplement the range of children, which is quite wide, who may not get the CXE exams. This is what we are working on at this stage. We are doing everything that we possibly can to support and promote the children in furtherance of getting passes in these exams. But, when we look at the fact that it is not until 1996 that a decision which is made now can come into effect, it gives the range and the long-term planning that has to go into education if it is to be done right.

So there will be about half the amount of subjects for 1996 in CXE, and half in IGCSE. A decision as to whether there should be only one final exam, or two final exams, or which one it should be, will have to be taken, and, I think, it can best be taken sometime after the results of the CXE examination next year.

The decision to run both exams, which will not be run in the same subjects, was one that was taken after a fairly wide consultation, specifically with the Head of the Departments that are teaching the subjects and their fields, for what is best for the students. Throughout, anything that is done in Education system, the overriding principle must be, what is best for the students who are in the system - the whole Education system is built for them. The views of the Heads of Departments weighed heavily on the decision that the Portfolio and the Department came to. It will, however, provide a way of checking the performance of the two exams, one against the other, as time goes on. This is something that was recommended, and which should have been done.

It was said, and the reference was made that the National Team

had abolished the education review and the education plan. That is not so. The one major thing that we have changed (and that was done a day or two back) was the final exam, but this complies with the review. What had happened was the policies of the previous Government did not follow it. The second thing that we changed was in relation to the combining of the schools into a single five-year high school, rather than leaving it with the junior children at one school, and the senior children at the other high school. That was clearly something that was imposed on the system against the very clear wishes of the parents. At a meeting of all executives of the PTAs, including the private schools, there were only two people, out of some 60 or 70 teachers and parents who were there, who voted for having one single high school, as against having it split with the juniors in one, and the seniors in the other.

In our Manifesto, on page 10, we said under "Our Policy":

"The Education Review and Plan must be further studied and caution exercised where radical change has been recommended. We will also give special emphasis to encouraging, training and motivating our Caymanian people for better paying jobs."

One of the first objectives there was that we would, "Solicit further public input on all major changes under the Education Plan and Review". Quite a bit of this has been done, Madam Speaker, but this coming year, under the strategic planning that we are carrying out, we will find that there will be a full scale consultation and input from the public. The proposed schedule for the planning, to deal with the details, that will go into an updated Education Plan, is that prior to the 1st of February 1994, there will be the training of the Internal Facilitators and, thereafter, there will be the training of the Department's Communications team. We hope in mid-March to have a first planning session, followed in April by the training of the action team leaders, and from May to September the development of an action plan, with mid-October for a second Planning session, and a follow-up sometime in November, and implementation training. It goes to show the period of time that it is going to take to deal properly with planning for education.

The Second Objective in our Manifesto was, "Slowly phasing in any such changes for teachers and pupils". What we can phase in slowly, is now being phased in slowly. What was already in, and decisions have to be made on, I am afraid we can do very little on.

The Third Objective in our Manifesto was to, "Keep an open line of communication between the Education Portfolio, departments, teaching staff, parents and students and work closely with sports and community affairs". Madam Speaker, I believe that communication is best epitomised in the termination and the reporting session of the First Annual National Education Conference, because one thing that was very clear is that the recommendations made by the workshop groups that reported back, they told us very clearly the advantages, the disadvantages and the problems with the system. It is only through that type of communication that we can really deal with the problems that we face. A lot of money in this Budget is going towards dealing with the planning and the implementation of these changes.

The First Annual National Education Conference was a success. Its theme was "Education Towards the year 2000 and Beyond", and the turnout of teachers, mainly, and other staff in education, was far greater than we had expected. It was a very positive and enthusiastic atmosphere throughout the two days. Topics that were dealt with and recommendations made on were centralisation and decentralisation; the advantages and disadvantages of combining grade levels - this had specific relevance to the schools in Cayman Brac, East End and North Side - the other topic for curriculum concern and academic criteria, meeting the needs of exceptional students, teacher development, and the role of parents in education. I was very happy with the communication that has been built up and the fact that parents, teachers and students are now taking part in the partnership in education.

Going back to the Manifesto, our fourth objective was, "Increase, where necessary, financial assistance to private schools and colleges including the International College of the Cayman Islands (ICCI)". This has been done, ICCI has been put back on the list of schools that will receive financial assistance from Government. It had apparently been taken off eight or nine years ago when Education went to the new Government in November of 1984.

Objective number five was to, "Increase government scholarships and courses and reduce the bureaucracy for applicants". Honourable Members will see that the Budget for scholarships has substantially increased and, notwithstanding, that only 30 scholarships were provided for, the House has allowed 41 scholarships this year. If ever money can be spent well, it is in furthering the education of the students, most of whom come back to contribute to the Government and to the Cayman Islands.

Objective six was to "Introduce a National Teachers Appreciation Day, encourage an Education Week and launch an annual Child Month for youth, sports and community development". Youth and sports is no longer with Education and that is ably being carried out by the Member for Youth Affairs, and the sports side is being given active consideration now. We just had our Education Week and what was not in this, over and above that, we had the National Education Conference.

Objective seven was to "Further develop technical and vocational education and programmes". Because so many questions have been directed at what technical subjects are being taught, I would just like to repeat for the benefit of this Honourable House, the different subjects that are being offered. While I know the First Elected Member for Bodden Town asks me this question - normally, once every six to nine months - that Member has never been able to come to me after looking at this list with a list of what should reasonably be added to it. I am not saying that it is exhaustive, but it is, I believe, one of the best that we have on any Island of our size, anywhere in the world.

At the John Gray High School they offer:

Building;  
 Technical Drawing;  
 Information technology;  
 Office Procedures;  
 Work Experience;  
 Clothing and Textiles;  
 Child Care;  
 Food Studies;  
 Motor Vehicle Studies;  
 Rural Science;  
 Art.

Electrical Engineering;  
 Woodwork;  
 Bookkeeping;  
 Typing;  
 Food and nutrition;  
 Home management;  
 Commercial studies;  
 Graphical and material studies;  
 Needle Craft;  
 Textiles; and

I am very proud of that list. I am not saying that it cannot be improved, but this constant, negative approach from the Opposition Members in their attempt, presumably, to reach me by destroying areas of education needs to stop. We do offer a lot of positive subjects, a lot on the technical and vocational side, and so does the College. Every effort is being given to developing the technical and vocational aspect of the school and the college. That is one area that we have definitely come a long way on.

Number eight of our objectives said that "Special emphasis will be put on the basic subjects of reading, writing and arithmetic, especially in the students' early years". This is being done, and is being targeted in the curriculum revision, and will be targeted in the national curriculum that is being prepared. It goes on to deal with the Community College, and I will read that when I deal with the Community College.

Number 10, "In conjunction with the private sector, to encourage an effective apprenticeship and work study programme". The College has put in place a very good work study programme and the private sector continues to be encouraged to deal with the apprenticeship.

Lastly on this, the conclusion in our Manifesto on Education was that:

"We are committed to re-examination of all major changes and, specifically, the abolition of the Middle School, because we believe that the Middle School should be a logical transition point between the primary and the high school. We are concerned that the 11 to 13-year-old students will be seriously disadvantaged by sharing one high school facility with 17 and 18 year old students which can contribute to lowering of education standards, moral decay and the increase in drug use.

We believe that a full scale rapid introduction of the Caribbean Examinations Council (CXC) as against the reasonably phasing in of some subjects is not accepted by the majority of the public affected."

Madam Speaker, we were so right about that. We went on to say:

"We regard Private Schools and Colleges as very important to our overall education system. They provide a competitive edge to keep educational standards high and save Government substantial expense of providing school facilities and staff for students attending private schools who would otherwise have to attend Government schools."

We know that education is compulsory. If students do not go to private schools, they must go to public schools, and Government must provide the classrooms and the teachers to house and to teach the students.

Madam Speaker, I would like to thank, firstly, the Honourable Members of this House and yourself for adjourning and allowing time for Members to attend the National Education Conference yesterday. I believe it was very insightful in the reports that were made. I learned a lot from it, and I believe that matters such as this cannot be over-emphasised, as far as getting a system that is accepted, because we can put the best system in place but if the public and the teachers do not accept it, it will not survive the test of time. I would like to especially thank my Principal Secretary and the staff at the Portfolio, the Chief Education Officer and her staff, for the work that has gone into doing this first Annual National Education Conference.

I would like to speak now in relation to the Budget sections that deal with other areas of my Portfolio. We have tried, and we have in most instances kept our Budget within last year's in many instances and, wherever there have been increases, we have tried to justify them. In relation to the Museum, we are finding that there is a lot more interest, and membership has increased. Most of the exhibits are mounted and there are normally about three that are changed each year. There has also been a start up of a Conservation section of the Department. This year in the Budget there is provision for the hiring of an Education Coordinator and we are looking at the implementation of a museum education programme. There is going to be a drive for increased membership and also an upgrading of the permanent exhibits.

I would like to record my sincere thanks and my deep appreciation to the Lady Member for George Town, as she has been the driving force, from the Portfolio's side, in relation to the Museum and the Library and, basically, the cultural side of the Portfolio. Her assistance has been invaluable, we have been able to work well together and she has been very knowledgeable and able to do just about everything that has been done in promoting the Cultural side of the Portfolio. She has done a much better job that I could do, and she has been involved in some areas of this, such as the Museum and the Library, for many years.

On the Archives, sometimes we do not pay as much attention to departments which do not have problems, as we should, but I feel that this very important department has come a long way. They, in my view, have not done enough publicity of themselves, and the Budget that they have is very modest. Not only do they deal with the Government's archives, which are massive when you think of the number of old files that are stored or copied in some way, they also deal with research and things that are so important, such as the Memory Bank, and there is money in here this time for transcribing 30 of the tapes. What they are trying to do now, is to get the tapes transcribed so that they can be used, and there are several hundred of them. They preserve a lot of our past, a lot of old documents are kept there. They deal with rebinding, where necessary, of old volumes. They have quite an effective photo and microfiche programme that is in place where many of the old volumes are being stored, also, stored off location so that in the event of a national disaster, which God forbid, then there would be these records elsewhere.

Certain artifacts and books have to be kept in rooms with a controlled environment, and they also deal with this. To be frank, with such a small staff, I was surprised to see the amount of work they have produced, and continue to produce. They have also been active in other areas. For instance, they have had to assist departments of Government in organising their old files and filing system, for example, the Immigration Department which has a very large amount of files, new and old.

Madam Speaker, I should also mention that at the Museum this afternoon there will be a book released on Cayman in the 1930s. They are also dealing with the exhibit of the Wreck of the Ten Sails, which will be an exhibit for next year.

The Public Library has had a lot of users. There will be a drive to get more users. There will be funds in there to purchase some hardware, and furniture, in relation to upgrading the programmes that they have. One of the things that I would like to see done this time, is the reading room that is going into the building, that is immediately behind the Library and to the south side - that was used in the past more as a sales shop over the years - is to connect that to the Library and that would allow a better atmosphere for people who are just going there to read (and many people do) at the Library itself.

The computerisation of the cataloging system is going on, and this is important because many books are there and they have to be kept up to date. So, while I know that funds are small in relation to this, the Library, in my view, provides a very crucial role, not only to the public, but also to the schools. In fact, I would like to see good libraries in every school. We must work towards that because I know, being a lawyer, that one's tools are books, and I appreciate that it is important to upgrade and extend the library programmes, and also to bring libraries into each district, as far as possible. One of the things that I have asked, and some areas have been effective, for example, in Cayman Brac, some 15,000 microfiche copies of certain books and documents, I understand, that have come from the archives. So, there has to be cooperation between the Islands and programmes that are produced can be also put on, or exhibited, in the Sister Islands. I know a lot of school children also use the Public Library.

The Cayman National Cultural Foundation which, as we know, stages plays, puts on exhibits, has training - as has been going on in the past few weeks - by artists. An artist from Trinidad has been here for the last two weeks training and assisting local artists here, and there will be an exhibit tomorrow afternoon of the work that the local artists have done. There is some money in there that relates to programmes that they do. They normally try to put on several plays each year. This is all in advancement of the cultural aspect which is becoming more and more important in the Caymanian society, as well as in the schools.

I would like to go on record in thanking Mrs. Helen Harquail, for the gift - which went into millions of dollars - of the Harquail Theater and the surrounding lands without which culture in this country would not really have gotten anywhere near as far as it has since that has been built, and since the land and building has been donated to the country, I think that this country owes her a big debt for what will probably be the most substantial and important gift that the Cayman Islands will see.

The money in the Budget for the district of George Town is quite substantial. In fact, we have always been fair. Districts have always had fair shares and substantial shares of the budget. Whether we believe it or not, and I know that one of the previous Members of the House, of Executive Council, in fact, always used to laugh about "parochial politics". But charity begins at home and we have to ensure that the districts get what is necessary, including districts, whether or not their Members are part of the National Team. I point this out because even the Second Elected Member for Cayman Brac and Little Cayman had to admit that Cayman Brac and Little Cayman had a good share of the Budget. I know that the First Elected Member for Cayman Brac and Little Cayman will probably add to that even more before the Budget is finished.

In George Town we have a lot of work to be done on the roads. Our roads need a lot of repairing and we need to have an upgrading which is going to be very costly, estimated, a couple of years ago, at \$10 million by Public Works and estimated to take five years. So that is some idea of what has to be done. We have made request for dealing with the - when I say this I include all four Members for George Town, and also the Members for West Bay - extra lane on the West Bay Road which should ease some of the traffic jams that we have, especially in the mornings; the traffic lights at the Eastern Avenue where they meet the road going into the North Sound Road by the Blue Marlin area; we have already got the turning lane put in next to the Kirk Supermarket and the Cemetery, and other areas that request have been made include, specifically, a road that would go into the Community College to the north of the John Gray High School, and also an upgrading of the road that goes into the George Hicks High School.

The drop-off lane that we have requested in front of the John Gray High School, I cannot understand why that has not been put in as yet. It seems to be very simple to do and the school year has now started, we are a couple of months into it, and it would ease the traffic flow in that area if there could be a drop-off lane. Public Works tell me that they are working on all these things, but I just hope that this work comes to fruition because, while the roads remain in a bad state of repair, a lot of peoples' cars are being

damaged as they drive over.

lights have been installed in George Town and there are many other areas that still need them because one of the best preventions against crime has to be the increase of lights in areas where crime is more prevalent.

This year I hope that the launching ramp at Whitehall Estate will be properly dealt with. It has been, and I know that some of this is in the works, but it has been some time since half of it has not been usable, and we continue to have the parking of vehicles from persons who are going to the restaurants, or for other purposes, parking on the launch ramp and the parking areas for the launch ramp. We continue to have a monopolising of the little jetty, the little dock that has been put there, by commercial dive boats and this is all to the disadvantage and the frustration, because the police have had to be called there on occasions where you had boat users, fishermen or pleasure boat users frustrated because they cannot pull their boats up or can find nowhere to park, or for reasons such as this. At some stage, I think proper rules have to be laid down in relation to Government docks, and Government launching ramps, and the parking areas that are there. I know this may not be looked at as a priority, we have a lot of things on our plate, but it means a lot to people in the areas who use them.

The Member in charge of parks, I am sure, will use the money in there for parks in George Town to the best advantage. I think we need a lot more. More than that, I think we must deal with the upkeep of these because, Madam Speaker, there is no good of building more roads or building more parks, if we are not keeping them repaired. The disaster stage you get to is what the last Government did, they did not repair about 15 or 20 houses. When they got in a state of disrepair they sold them for nothing. This has got to be bad economics, bad Government and even bad common sense.

The Budget for this year, Madam Speaker, provides that there is a contribution of a substantial amount of Recurrent Revenue to the Capital Expenditure and yes, the Capital Expenditure this year is high, but the Revenue is there to deal with it. In fact the last time that Capital Expenditure of this large amount was put in to this extent was some \$18 million in 1984. This is aimed at worthwhile projects. Many of these projects are continuing projects because, notwithstanding what has been said, just about all of the Capital money last year, all of which came from our Recurrent Revenue, went to do the last Government's projects.

They had the knack, Madam Speaker, of creating debts that had to be repaid immediately after they went out of office, of leaving sizeable projects that they had no money for, and leaving the new Government to find the money to pay for them.

The Budget itself has been carefully prepared by the Honourable Financial Secretary and his staff, and the Estimates reflect not only the views and the input of the Executive Council, but also that of Members of the National Team because we believe that it is through the team work and partnership that we were elected on that must continue to be the basis of our success in guiding the Cayman Islands back to a sane and sensible economic position.

Madam Speaker, over a matter of four years, from December 1988 to September 1992, the Public Debt, less the General Reserves, went from \$31 million to \$130 million. If there is one thing that the previous Government can take credit for, it is creating the largest amount of debt that this country will ever see for which they had no idea how they were going to repay it, and they have left the new Government saddled with an extra \$100 million of debt.

If we did not have to service the debt that the last Government left, then we could take that \$12.4 million, which it now takes (and that is an horrendous amount of money that we are now paying on debt, some of it we are still only paying interest we have not started to repay the Capital on some of this debt yet), and put it towards schools or roads, or Social Services or whatever. I, quite frankly, cannot understand how it was actually possible, or how they were permitted to extend the debt of this country, when you look at it from the point of view, and I am including in this the Statutory Authorities, because in the past, and you will see as the Estimates have now changed this year, many of these Statutory Authorities are where the debts were created. The Health Services Authority, is a good example, Cayman Airways is another. We are trying to get these Statutory Authorities back to the traditional way of Government accountability and staying within the guidelines that the Government operates under. The system is not as flexible as having a Statutory Corporation, but, Madam Speaker, what it does not permit is to have a Member, such as Mr. Ezzard Miller at the time, go out and run up millions on top of millions in debt and never going to the Public Tenders Committee, and really do as they feel. This is not right. And they created this machinery so that they could circumvent the checks and balances that the public have under the system that exists in Government. We all know that a lot of that money was wasted or went in directions that it would not have gone had the Statutory Corporations not been there with an Elected Member sitting with near absolute control, and with power that far exceeded the powers under the Constitution as it now stands. It was a way of getting around the collective responsibility.

You have to blame not only one of the Members, but all the Members who took and acquiesced in this and caused some \$100 million of loans to be put on this country. It is very short sighted, as I have pointed out this morning, where you have debts created, for example, they would buy a building and you start paying for it, you pay a bit down and you start paying when the new Government comes in, or with Cayman Airways was even more blatant, the \$6.2 million for GPA came up on the 1st day of January, 1993 - just in time for the new Government to pick it up.

But, Madam Speaker, the public is wise and never before has there been such a destroying of politicians who had gone a long way to destroying the country, when they were slid out, all of them. I know one did not run from the Government. As the Second Elected Member for Bodden Town likes to say, "put in moth balls". All I can say, Madam Speaker, is that they are very expensive moth balls when you think of the \$100 million of debt that they left behind.

I believe that a message that the Honourable Financial

Secretary is sending in this Budget is that the Government and its Departments must become cost-effective and there must no longer be the mentality that has existed, especially in the last four years, that projects which could be paid for with half the amount of money, spending twice the amount that is necessary.

We believe that things must be done good. We believe that there is a limit to which the Government should go, and it is the duty of all of us to ensure that public funds are not wasted. The best example is the Red Bay School where a classroom cost an excess of \$200,000. Very lovely! We would all like to have Rolls-Royces, but we cannot afford them. The attitudes of the Government Departments have to change. If a classroom can be built for say \$100,000 or \$110,000, by a private school, why can Government not build it for the same thing? We could have built two schools for the cost of one. Think where we would have been on it, and this, I think, brings me to what I am going to say - which is my personal view. It is not the view that I know about of anyone else in here, and what I am going to say is purely my answer that, perhaps, should be looked at in dealing with the waste of funds over the years.

The United Kingdom Government under Mrs. Thatcher, introduced a system whereby, when a project came up for implementation, that it would be put out to bids by the private sector and the Government Department, and it was mainly local Government, I understand, would also have to bid on it. As usual, unless there is good cause, the bid would go to the lowest bidder. So for Government Departments, for example (I am just talking basically here about say, my school projects), if I have a school to be built or work to be done, then the private sector would bid, Government would bid and if the private sector was the lowest bidder, then it goes to the private sector and the Department does not get the work. Then they must begin to cut the cloth to fit the situation of not having been competitive and therefore not being in the best interest of the country to spend the money.

I believe that many of the projects that we have, if we could get the proper basis that the Government had to bid along with the private sector, we would get a more realistic figure and we would still get good work done. We would still have good projects. But at least we would know, Madam Speaker, that what was being done was the public was getting value for their money. Like I say, it is only my personal view. But it has worked in the United Kingdom, upon which our Government is based, and in areas such as Public Works, this, I believe, would bring the Department to a stage of either being a less cost Department, which is what I was charged to bring Cayman Airways to, or they would find that a large amount of work they should be doing need not to be done and the Department could be trimmed accordingly.

**THE SPEAKER:** Honourable Member, would this be a time to take the 15 minute break?

**HON. TRUMAN M. BODDEN:** Yes, Madam Speaker.

**THE SPEAKER:** The House will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3:24 P.M.**

**PROCEEDINGS RESUMED AT 3:56 P.M.**

**THE SPEAKER:** Please be seated.  
The Honourable Member for Education and Culture and Aviation, continuing.

**HON. TRUMAN M. BODDEN:** Madam Speaker, I think that the reason why this Budget has received such wide acceptance from the public, and from Members of this Honourable House, is that it is very clear from the Budget itself, that the finances of the country are on a strong footing or, as the Latin phrase goes, "res ipsa loquitur" - the facts speak for themselves. The position for the obvious turn around in the last Budget, of having no funds to put towards capital and borrowing everything, has been reversed.

Madam Speaker, while it was not easy for this Legislature, in the first year, to have to take the position it did in relation to the Budget, I believe that you have to get the principle right at the beginning because, as the saying goes, if one gets on the wrong track in the early stages, it is very hard to get back on the right track. Government, the Legislature, and the public's aim, has to be a Budget where the Government and the Legislature is living within its means. There can be no other long term solution to dealing with the horrendous debt that this country is saddled with and for which there definitely has not been good value for money.

Madam Speaker, one of the things that the Budget is dealing with, is one of the primary concerns of people in the Cayman Islands at present, and that is, the increase in crime. I believe that money in the Budget to deal with the social programmes, the youth programmes, the sports programmes and, especially, to deal with drug and alcohol rehabilitation, is money that is well spent. Because, while crime is well below what it would be in a large city, there have been increases in crime and I know it takes up a very large part of the National Team's meetings - just about every meeting - it takes up the bulk of the time of the Government and Executive Council and I believe that there is now such a concentrated focussing on finding solutions to crime that we must see the results within the near future. I will not go into it, but just a reminder that funds are in there for the police patrol boat, funds for the drug centre itself, funds for the Cayman Maritime Institute and the support that goes into the Churches and the youth groups.

Here I would like to really thank them because I believe that the Churches, the Service Clubs and the youth and other organisations in this country contribute more than they do in



any other country. Cayman has been a very giving and a very supporting country - its people have been supportive of what the Service Clubs, the Churches, the youth clubs and others are doing here. If ever there is a place that there has to be a joint effort and a partnership it is in relation to our fight against crime and against drugs.

Under a Motion that was brought forward by the First Elected Member for Bodden Town, the House is now sitting on the Bill relating to the Penal Code. There will be substantial revisions in areas of it and, hopefully, we will see a report early in the year from the hearing and the witnesses that have been before us giving us advice and information, for which we are thankful, dealing with a reviewing of the Penal system in this area.

One thing that has to go hand-in-hand with this, Madam Speaker, is an upgrading of accommodation for the Courts because justice must not only be done, but it must be seen to be done. We have a Court House that is purpose-built for two courts, and we have five courts sitting - when the Court of Appeals is here six Courts sometimes are sitting at one time. Within that small building the Library is utilised as a court at times, what used to be the Clerk of Courts office upstairs, it is also used. The support staff that goes with it are working in very cramped conditions. The Town Hall is used for the Magistrate Court. The Juveniles Court should not be sitting there anyhow. That should not be sitting where a normal Court sits and, as we know, the personnel should not be uniformed policemen in an effort to keep it distinct and different from the general court system itself.

So there are some funds in the Budget to begin work at the Courts. But this must be within a very short period of time, because we have been talking about this for about the last six or eight years and there has been no extension to the Courts building. We must finally provide proper Courts and proper accommodations.

We have three High Court Judges, the Chief Justice and two Puisne Judges, Grand Court Judges, we have two Magistrate and along with that the Justices of the Peace sit in the Juveniles Court. Like everything else, if conditions are not sufficient there sometimes can be a lack of what is necessary to ensure that justice is done in a proper atmosphere. Crowded courts, the inconvenience of the public running around trying to figure out which Court a Magistrate may be in that morning, is something that I think has to be remedied. I do not think it can be left to go on for any length of time and I would hope that we will see the beginning of that this year. It is very little use dealing with one area of the Legal System if we are not prepared to deal with it fully. The one area that definitely has to be dealt with early is this area relating to the Courts.

Linked in with this, Madam Speaker, is the fact that the National Team has, for some time now, advocated, and is actively pursuing, the bringing in of a Family Court. This is one which I think is a right direction. It is important that we do set up specialist courts such as this, and the necessary housing of them (because this would include the Juvenile Court), needs to be looked at early.

Madam Speaker, one area that the separation of the Portfolios of Tourism and Aviation has brought about has been a considerable savings between the duplication of advertising that was carried out both by Cayman Airways and the Department of Tourism. Cayman Airways had no money to do advertising, in fact we just took and cut all of that out of the budget - some \$2 million a year; it was a whole department, in fact, set up in Miami - the Honourable Member for Tourism has very kindly taken on, and if Members will notice on all of the Department of Tourism's advertising there is either, Cayman Airways, or the logo, or a picture of the plane. So we are getting benefits there, and for this I am very grateful. In turn the Member responsible for Tourism has had the benefit of the many new airlines that have come in, which have also assisted him.

While my duty is, naturally, to protect and preserve Cayman Airways to the best of my ability, I have to honour the International Agreements and accept that competition from the foreign airlines is something that I have had to learn to live with. But I am not openly hostile to them as has happened in the past because they play their own role in assisting. I was just looking back because very shortly, within another couple of weeks, I will be going along with two other persons to begin the talks on the Air Rights in the United Kingdom with the United States Government, that we do have with the new airlines coming in, a considerable surplus of seats as against the number of hotel rooms. This is where the partnership between the airlines and the Department of Tourism comes in because even though I know over the Christmas period it always gets very tight in getting seats, we do now have a situation that has turned where people wanting to come into the Cayman Islands can get in a lot more easier. Like I said, it hurts Cayman Airways. But on the other hand, those airlines have the right under the Agreement to fly here.

I would like to also thank organisations, especially the Chambers of Commerce for the assistance that they have given in many times putting forward the public's views. Sometimes they do not agree with the view of this House, but they have very clearly brought to our attention, in many instances, with their surveys and their views on things, the type of information and opinions that are necessary for this House to make the right opinion on matters. I believe that with the setting up of the Economic Council, linked in with the private sector Advisory Committee, that we have now a very good feed-back from the different organisations and bodies of information that will allow us to understand the problems that face this little society - problems that are very complex, problems that have to be dealt with. Sometime the solution comes a lot easier when there has been discussions with the persons who are involved. For example, this afternoon there will be a meeting with Members of the Taxi Association and the Buses, in relation to the Airport, when I leave here at the Civil Aviation Authority.

But I believe people have to have a right to express their views, and this is what we have not only agreed to do in our Manifesto, but we have agreed that as representatives of the people we will consult, and as we say in this, "we will consult and follow the wishes of a majority of our constituents".

I believe that the measures that have been put in the Budget, as new measures, I would say, to deal with an increase in our Revenue are very mild, when we look back at the

packages that came in the area of \$15 million and \$20 million in the past, and at least the public knows that we are balancing our Budget with it. In the past the taxes and duties were put on and the Budgets were not balanced. Even though no one, or no Legislature, likes to have to resort to new measures, if they are done in a mild way as they have been set out in this Budget, and the money is spent for good purposes and there is accountability, then, Madam Speaker, the money is something that goes for the benefit of the public.

In the latter part of the Honourable Financial Secretary's Budget Address it shows the areas of some of the major Capital Expenditure and for the first time we are seeing, as he put it here, substantial road improvements in all districts and new developments throughout all three Islands. I appreciate that the schools are getting a very large percentage of this Budget, both at the Community College, which we hoped to be financed through a loan from the European Investment Bank, and also, for the further development of some Primary Schools and the George Hicks and John Gray High Schools.

I am endeavouring as best I can to keep the Expenditure to a minimum to see that the public gets value for what is spent and not to embark on the very expensive and, I should say over expensive projects that the last Government in their excessive way embarked on. So the money in here, at least - I should not say at least - all of it, I can assure Members that it will be looked at from a least cost basis and what can be done for \$1 we are not going to spend \$2 on. There probably will have to be some mental adjustments to that in some areas, but I think if we persist, then that will definitely come to pass.

Madam Speaker, I am just about at the end of dealing with my contribution to the Budget. I would like to spend a bit of time speaking in relation to what I think is one of the areas that occasionally does not seem to be given its full credit at times. We many times criticise the system, be it the Prison System or the Police System, that deals with the cure rather than necessarily the prevention, in many instances. But they do provide a very important service, and many times they put their life on the line in certain circumstances for the betterment of the community. Like everywhere else, not all in every Department is perfect. But, I believe that the public's cooperation to those areas that is now beginning to come about, as we find that they are more open and are discussing things that relate to crimes, or serious crimes, and efforts to deal with improvements in these areas.

I am a former Prosecutor and I know the difficulty in getting information from the public in relation to crimes in any small society, not just the Cayman Islands. So they have certain areas of handicap that they have to overcome and I think until we can get a proper analysis, which I believe the Member for Health and Youth Affairs is dealing with - to have some analysis of the reasons and the areas of crime - until we can see why people in certain areas commit more crimes than in others. Also, if we can find out and better pin-point what the position is in relation to crime we will better understand how the Police and the Social Services, the Service Organisations, and others, can deal with finding the solution.

Madam Speaker, the increases in Revenue and the increases that we have found in the financial sector where we have seen, as the Financial Secretary has mentioned, that we have had substantial increases in companies and increases in banks and insurance companies, goes to show that we are moving in the right direction and it goes to show that we are pulling out of the area of recession that we have been in.

Madam Speaker, the Civil Aviation Authority, with Government's blessing, has taken a decision to extend the terminal at the Airport. We have looked at what can be done before the tourist season and at present we will be moving the front glass wall out to the edge of the roof and this will give about another 20 - 25% more space. Also between the departure and the incoming sections of the Airport there is an area which the Civil Aviation Authority will be putting a roof on and it will be divided up to give a fair amount of more space for both the departure and persons coming into the Airport. Also the extension of the terminal on the side relating to the ticketing areas is now being looked at and we hope that, provided we can get a reasonable price (hopefully, somewhere in the area of \$0.5 million, or thereabout), to also extend this because it is very important that the congestion that now exists at the Airport with the many flights that are now coming into the country and the long lines that we are seeing, that this is dealt with.

On the Customs side a feasibility study is now going on to bring out the wall which, hopefully, will also remove the "Berlin Wall" in the course of it and give more space over on the Customs side. So we are aware of what has to be done. But, Madam Speaker, like everything else I do not like my Departments to have to spend money until it is totally justified, and the \$200,000 or thereabouts that we are spending at present, I think, is well justified.

It is important, I know, to Tourism especially, and also to the staff that work there, that something is done about the congestion because it has been very difficult, if not impossible, to alter the times on scheduled flights to bring them in at different times than during peak hours. But what we have achieved is to have them have the charters come in at times which are outside peak hours and that is always a condition of the Air Traffic Licensing Authority and the Civil Aviation Authority.

I am very grateful to the Third Elected Member for West Bay, who sits on the Civil Aviation Authority (CAA) Board with other Members and myself, for his assistance and his help, and he brings knowledge within some areas up there which the CAA is going to have to deal with, areas that are not going to be easily defined solutions and that is within some of the areas of labour that affects the transportation industry specifically.

#### MOMENT OF INTERRUPTION

THE SPEAKER:  
you would be finished shortly.

Honourable Member, I believe it is now 4:30. I believe you said

HON. TRUMAN M. BODDEN:

Madam Speaker, I can finish in 30 seconds.

THE SPEAKER:

Thank you. We will defer the Moment of Interruption.

HON. TRUMAN M. BODDEN:

Thank you, Madam Speaker.

So in summary, Madam Speaker, the Budget that is put forward is a lean Budget. It is a Budget that is balanced and it is one that is in the interest of the country. It carries with it the checks and balances that are necessary to ensure that the money is properly spent. I am very happy to support it and I would ask Honourable Members of this House to do so also.

Thank you.

THE SPEAKER:

May I call for the Motion for the Adjournment of the House?

Planning.

The Honourable Member for Tourism, Environment and

#### ADJOURNMENT

HON. THOMAS C. JEFFERSON:

Madam Speaker, I am happy to move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

THE SPEAKER:

The question is that the House do now adjourn until 10 o'clock tomorrow morning. Those in favour please say Aye... Those against No.... The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 19TH NOVEMBER, 1993.

**FRIDAY  
19TH NOVEMBER, 1993  
10:03 A.M.**

THE SPEAKER:

Prayers by the Third Elected Member for George Town.

#### PRAYERS

MRS. BERNA L. THOMPSON MURPHY:

Let us Pray.

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

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

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.

#### ANNOUNCEMENTS BY THE PRESIDING OFFICER

THE SPEAKER:

Please be seated. Proceedings are resumed in the Legislative Assembly. Yesterday I offered apologies for the absence of the Second Elected Member for George Town prematurely. He left last night and will be absent for today's Sitting.

Questions to Members. Question No. 214, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTIONS TO HONOURABLE MEMBERS

##### QUESTION NO. 214

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

No. 214: What was the total cost for the services of the Constitutional Commissioners?

THE SPEAKER:

The Honourable Third Official Member.

HON. GEORGE A. MCCARTHY:

Madam Speaker, the total cost for the services of the Constitutional Commissioners was C\$12,864.00. This amount was subsequently reimbursed by the Foreign and Commonwealth Office in two installments of \$10,176 in August 1991, and \$2,688 in March 1992.

SUPPLEMENTARIES:

THE SPEAKER:

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

Could the Honourable Member say if, in the amount given, it also included the cost of accommodation at the hotel where there was an office set up for the Commissioners and travelling expenses, etcetera?

THE SPEAKER:

The Honourable Third Official Member.

HON. GEORGE A. MCCARTHY:

Madam Speaker, the Commissioners were paid a subsistence allowance of \$192 per day and this allowance covered the cost of their accommodation and food.

THE SPEAKER:

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:** Madam Speaker, could the Honourable Member say if there are any ongoing expenses connected with the Constitutional Commissioners, in that the Constitutional Review process, where the Island is concerned, is still actually in play?

**THE SPEAKER:** The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** I am not aware of any ongoing expenses in connection with that, Madam Speaker.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if the cost as quoted includes the secretarial services and the preparation of the document at the end of the exercise?

**THE SPEAKER:** The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** Madam Speaker, I would want to believe that it does. The total payment to Sir Frederick was \$3,264.00, and to Mr. Walter Wallace was \$4,224.00. That amounts to approximately \$7,600.00. There is a differential of approximately \$4,400.00, and I would attribute that to other incidental costs.

**THE SPEAKER:** The next question is No. 215, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 215

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES**

**No. 215:** What action has been taken on the provision of lower income housing following approval for a blanket guarantee from Finance Committee?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, the answer to that question is, since Finance Committee approved the proposed blanket guarantee to be utilised in this programme, there is ongoing discussion with the entities involved and the Legal Department is drafting suitable documentation to be used in the management of the programme.

#### SUPPLEMENTARIES:

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

**MR. GILBERT A. McLEAN:** Madam Speaker, could the Honourable Member say if there is any indication as to an implementation date of the programme, as envisaged in this lower income housing programme?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** In the very near future, Madam Speaker.

**THE SPEAKER:** The next question is No. 216, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

#### QUESTION NO. 216

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING**

**No. 216:** When will Executive Council consider its sub-committee's investigations into public concerns over immigration matters?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

#### DEFERMENT OF QUESTION NO. 216 STANDING ORDER 23(5)

**HON. THOMAS C. JEFFERSON:** Madam Speaker, under Standing Order 23(5) I ask that this

question be deferred as we, in the Portfolio of Tourism, referred the question to be answered by the First Official Member. Because there was some problem with his receiving it, I ask that it be deferred until another day.

**THE SPEAKER:** The question is that question No. 216 be deferred for answering until a future date. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. QUESTION NO. 216 DEFERRED UNTIL A FUTURE DATE.**

**THE SPEAKER:** The next question is No. 217, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 217

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING**

**No. 217:** To state the role and responsibilities of the Engineers of the Public Works Department and Tomlinson Engineering with regard to the choice of filling material, method of placing this material and testing for durability of filling material at the Port Authority Container Terminal.

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, the role of the Public Works Department on this project was to provide project management services on behalf of the Port Authority. The role of Tomlinson Engineering Limited was to provide engineering services for the horizontal aspects of the project, being the pavement, drainage, fencing and external lighting. With regard to the choice of fill material, Tomlinson Engineering recommended the choice of material. Public Works Department accepted their recommendation. With regard to the method of placing this material, Tomlinson Engineering was responsible for specifying the method of placement and for checking on site that the fill was being placed in accordance with the specifications. Testing was required for both the selection of the fill material and to ensure that it was placed correctly. The former was carried out jointly by the Public Works Department and Tomlinson Engineering. The latter was carried out by Tomlinson Engineering.

#### SUPPLEMENTARIES:

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if any analysis has been done on this site since the fall, and could he give the House a synopsis of the result of this analysis?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, the Port Authority engaged an independent consultant from the Florida area to look at the problem of the Cargo Distribution pavement problem, and what have you. That report has been received by the Port Authority but we have not, as an Authority, considered it, made a diagnosis, or accepted their recommendations, or anything of the sort.

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. I wonder if the Honourable Member would be in a position to tell the Members of this Honourable House what sort of contractual arrangements were in place during this process with regards to Tomlinson Engineering and the Port Authority?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

(PAUSE)

**HON. THOMAS C. JEFFERSON:** I am sorry, Madam Speaker I was seeking enlightenment on the subject. I think the Public Accounts Committee's Report indicated the part of the answer that the Honourable Member is seeking. And I believe that that Public Accounts Committee Report indicates the non-formality or formality of the contractual arrangement.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if there is any consideration being given for correcting this fault and, if so, who will assume the financial responsibility

for this correction?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, we are not yet in a position, as I began to indicate in my earlier answer but, perhaps, did not follow through as explicitly as I should have. We are considering the Report of the independent consultant which we hired with a view of determining what is the fault, and who is at fault. At this present time I am unable to say because we have not yet finalised our assessment of the independent consultant's report.

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. Notwithstanding the Report of the Public Accounts Committee with regards to the question I just asked, could the Honourable Member say if there was a contract with Tomlinson Engineering to do the works that have been explained in his first answer, or not?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, it is my understanding that there was not a formal contract between Tomlinson Engineering and the Port Authority.

**THE SPEAKER:** The Elected Member for North Side.

**MRS. EDNA M. MOYLE:** Madam Speaker, I wonder if the Honourable Member could say, when Tomlinson Engineering recommended the choice of fill material, if this was tested by the Public Works Department? In the answer to his question he said, "The role of Tomlinson Engineering Limited was to provide engineering services for the horizontal aspects of the projects, being the pavement, drainage, fencing and external lighting. Did Public Works test the material or did they just accept Tomlinson Engineering's recommendations?"

**THE SPEAKER:** Honourable Member, I think the answer is in the third paragraph, that Tomlinson Engineering recommended the choice of material. But can the Honourable Member for Tourism answer the other part?

**HON. THOMAS C. JEFFERSON:** Madam Speaker, it is always important to be further enlightened on the subject, but I think there is a portion of the answer that indicates that the testing was required for both the selection and the fill material to ensure that it was placed correctly. It goes on to say that the former was carried out jointly by Public Works Department and Tomlinson Engineering.

**THE SPEAKER:** The next question is No. 218, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 218

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES**

**No. 218:** To say what procedures have been instituted at "Tent City" to ensure that confrontations such as occurred on October 20th, 1993, do not recur.

**THE SPEAKER:** The Honourable Member for Health and Human Services.

#### DEFERMENT OF QUESTION NO. 218 STANDING ORDER 23(5)

**HON. W. MCKEEVA BUSH:** Madam Speaker, under Standing Orders 23(5) this question will have to be deferred. I think another Member is making preparation to answer it. It deals with a matter that my Portfolio is not responsible for.

**THE SPEAKER:** Accordingly, the question is that question No. 218 be deferred to be answered by another Honourable Member. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. QUESTION NO. 218 DEFERRED TO BE ANSWERED BY ANOTHER HONOURABLE MEMBER.**

**THE SPEAKER:** The last question is No. 219, standing in the name of the First Elected Member for Bodden Town.

#### QUESTION NO. 219

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING**

**No. 219:** To explain the land filling procedure at the Port Authority Container Terminal.

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, the answer. Prior to commencement of construction, the site was a low-lying, swampy site with numerous muck-holes and an average level about 2.5 feet above the mean sea level. The muck-holes were excavated up to depths of 15 feet and backfilled with imported rock material. The backfilled holes were then covered with Geotextile fabric. Dredged marl fill material was used to raise the site to an elevation of approximately 4.3 feet above mean sea level. The marl was placed and compacted in 8 inch lifts.

#### SUPPLEMENTARIES:

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say why marl was exclusively used, and why there was no use made of crushed rock, or aggregate, which would not be as porous as the marl?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I realise the Member is responding, perhaps, rather quickly, having received the written answer. But I am sure, now having seen the answer and read its contents he realises that marl was not exclusively used because in paragraph two of the answer it speaks to the backfilling being done by imported rock material.

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

**MR. ANTHONY S. EDEN:** Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say if all of the muck-holes were excavated?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I would ask the Member to allow me to answer the question in this way, that the Report which speaks to what was the cause of the problem with the pavement is before the Port Authority, and I would not like to go into specific details and to say what it is, or what it was. Let us digest the Report and let us then come to the House and to Members and say, given the Report of the independent consultant on this problem, here is what it was. But I think at this particular time I prefer not to answer specifically.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say what time elapsed between the compaction of the material and the laying of the pavers?

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, my understanding is that depending on what area of the Cargo Distribution Centre we are talking about, for some areas it might have been a couple of months, for some areas it might have been a couple of weeks. This is the information which has come to me.

**THE SPEAKER:** That concludes Question Time for this morning. We proceed to Government Business, continuation of the debate of the Second Reading of the Appropriation (1994) Bill, 1993.

#### GOVERNMENT BUSINESS

#### BILLS:

#### SECOND READING

THE APPROPRIATION (1994) BILL, 1993

(Continuation of the debate thereon)

**THE SPEAKER:**  
Works.

The Honourable Member for Agriculture, Communications and

**HON. JOHN B. McLEAN:**

This being my 17th Budget debate, I must say that I am very pleased with the Budget which my Government was able to present. I would like, Madam Speaker, to first of all commend the Honourable Financial Secretary and his staff for what I consider many long hours of hard work to produce such a very, very important Budget as the one we see here today.

I would say, Madam Speaker, that this Government has great achievements to its credit - this Budget being one. Regardless of what critics may say with regard to this Budget, it is a Budget that will assist all areas of this country. Therefore, what it is saying to us is that this Government, the National Team Government, is living up to its commitments to its people when we said to them during the Election, that in whatever we do we would look at their rights. As I go along in this debate, I will show exactly how the funds, especially for Capital Projects, have been distributed in the various districts, and not just in a few. I would say that this Government continues to be cognisant of the things which we campaigned upon, especially those that affect every man, woman and child in these Islands. As I think of the rise in crime in our beautiful Islands, it reflects what has taken place here over the years and, Madam Speaker, let me say that since we have been in Office, we have dedicated many, many hours to working along with the Police in trying to combat crime.

I am not here today to relate everything that has taken place, but I am here to say that my Government will continue to do as much as it can. We will do whatever we feel is necessary to stamp out the evils of crime which have crept into our society. These Islands no longer can be called "crime-free", but what I would say to that is that this Government, of which I am a part, is doing all that it can to bring it back to the way it was, that is to say, "crime-free".

I am very pleased to know that the United Kingdom Government will be assisting us with funds for a patrol boat. This has been a concern of mine, Madam Speaker, for a very long time. We have known of the problem for some time, but, with regard to drugs coming into this country, we have never been in a position where we could fight it, and fight it the way it is supposed to be fought, that is, to properly patrol the waters of these Islands and to try our best to stop it before it comes to the main land. I believe that this gesture on behalf of the United Kingdom Government is a good one. The only concern which I have at this time is that we will have a crew to man the boat that knows exactly what it means to patrol dangerous waters. I say this, Madam Speaker, with the greatest of respect to those who have manned other patrol boats in this country, but it is a known fact that we have had many bad experiences with our Police patrol boats. I honestly would not like to see this happen, especially with a boat which is donated to us by the United Kingdom Government. It is my hope that every stone will be turned to make sure that whoever is in command of that boat will be qualified, and will know exactly the handlings of a boat.

At the same time, Madam Speaker, I would like to pay tribute to our Police Department. For many it is easy to criticise the Police, but I am one that thinks differently. The job of a Police Officer is not an easy one. It is our only means of keeping control in this country. I believe, Madam Speaker, that we should do everything possible to encourage them so that they can work for the betterment of this country and our people. I continue to worry, especially in the area of crime, because we are known to be a tourist destination and with all that has happened in recent times, I worry that someday it may happen to a visitor to our shores. This would create a very bad image for this country. I am proud to see the progress that has been made in recent times, and I have to pay special tribute to Mr. Cutts, because (for those of us who will see), we have seen a lot since he has taken up the realm and started to fight drugs in the Cayman Islands. He has the support of my Government and, indeed, Madam Speaker, whatever I can do, as an individual and a concerned parent, I will assist him and his group in any way that I can.

As I mentioned, Madam Speaker, we campaigned to do something about crime. We campaigned to do something about drugs. We have the mandate of the people to do something in this area. Therefore, I have no apologies, for those who try to violate the Laws of this country, in taking a harsh stand against them. It is my duty to this country, it is the duty of this Government, and it shall be done. As I mentioned, this Government has made many achievements in a very short time. We published the many things we would do if elected, and in a very short time we have done many.

My colleague mentioned yesterday, quite clearly, the stand which we took with regard to the National Airline. We have been ridiculed. But, Madam Speaker, that sort of ridicule I can take, because we have done nothing that we did not tell our people during the Election that we would do. We have taken some harsh decisions but, in so doing, we are trying to do it for the betterment of this country and our people. I would like to know today, that we were presenting a Budget here where the \$20 million that we had to sink into the National Airline could be placed in Reserves, or could be spent on Education. But, Madam Speaker, it could not be that way because of commitments by a previous Government. I believe that although we have taken the stand which we have, we will be able to save our National Airline. We have been concerned over the jobs which the National Airline has offered. However, it is a known fact, that in order to try and bring this in line, we had to deal with certain employees of the Airline. Again, it is my humble opinion, that what was done there was the right thing to do. I honestly believe that instead of some continuing to talk about this, they should hide themselves because they were the individuals who created the problems with which this country is faced with today. At the end of the day after spending and spending and spending, we will still not own even a seat belt in those planes. Madam Speaker, I have every faith that my colleague, the Honourable Truman Bodden, will continue to keep a watchful eye and that something great will happen. I only say on that subject, that it is a pity that when he, Mr. Gilbert McLean and myself

submitted an independent statement that it was not adhered to. Because this country today would have been in a much better position if we still had the two planes which we would have owned today.

We said during our campaign that we would try and establish a good relationship between Government and the private sector. I believe today that we have again achieved in this area. We constantly have meetings with various groups in the private sector and, indeed, in doing so it helps us and it makes our tasks much easier. We intend to remain an open Government. We intend to work along with the private sector. We intend to work along with the people of this country. We promised to look at other areas, such as the Immigration Department. Ever since we have been in office, we continue to keep a watchful eye on that Department. We continue to work along with the Member who has responsibility for Immigration. We have tried, in many instances, to work along with businesses in the private sector to make sure that their needs were met. And we will continue, Madam Speaker, especially in the areas of tourism and the financial sector, to make sure that the goose that lays the golden eggs remains with us.

For some time there was much said with regard to the problems which the private sector was experiencing in these areas. But, Madam Speaker, as a previous Member of this House used to say, "You cannot, at all times, listen to marl road gossip in the Cayman Islands". In this instance it was blown totally out of proportion. We as a Government, again, spent many hard hours making sure that this was put right. Today, as I mentioned earlier, we continue to monitor the situation and we will continue to do so throughout our term in office. We said that we would do all that is possible to try to get the economy of this country on the move. You know, Madam Speaker, for those who will see, thus far it can be seen that just within this year our economy has started to take off. However, there are still those out there who, unless they are making every dollar that comes to this country continue to quarrel. But if the truth is to be told, it would be said that the economy is coming back to where this country will, once again, see prosperity.

This is nothing new for me, because in 1976, when I was elected to this Honourable House, we took over a Government as we did in 1992. It took some time before the fruit of our labour could be seen but, Madam Speaker, it can also be said that by 1984 the Government had brought this country to booming prosperity. The four years from 1980 to 1984 was what I consider four years in this country that will never happen again. But this Government intends to come as close to promoting this country, and reviving the economy of this country, as that Government of the dates mentioned. We believe that the problems which are presently before us, problems which we have inherited, although it cannot happen overnight we are confident in ourselves that we are capable and ready to do what is necessary to correct, as much as possible, what has taken place.

I revert, again, to the Manifesto of this Government. When I read this document from beginning to end, it makes my heart feel good. Because within one year there are not too many areas of our promises that have not been touched upon. Good Government, Madam Speaker, and it could not have been done only by the four of us. It has been done because of team work with the National Team. I will touch briefly on the Constitution. Again, while I will not go in-depth on the Constitution, I feel confident that we have, in that document, gotten exactly what we told the people we would get. I believe that when it fully comes into operation it will be a document that will go down into history for many, many years.

It hurts my heart when we have spent so much time to present this country with such a good Budget, to see in *The New Caymanian* of the 19th November, 1993, the nasty remarks of a Government Member of the past Government. I believe that each Member of that Government would do themselves and this country good by keeping their mouths shut, because the problems of this country today must be laid on their shoulders. I read in *The New Caymanian* (19th November, 1993) "Proposed Budget Contradicts National Team's Campaign Promises", and it is by none other than the great Ezzard Miller, Madam Speaker, a foreigner to this country reading this paper for the first time could be easily misled - and I believe it is deliberate. We see in here his remarks that this Government has increased the public debt by 40%. How ridiculous! The Public Debt of this country went out of hand with his Government, of which he was a part. So why try to smear this Government with their mistakes?

It is my understanding, and the figures do not lie, Madam Speaker, and I am sure that the Honourable Third Official Member will also comment on this - I think he should - because it reflects on his office as much as it reflects on this Honourable House. But the point I am making, Madam Speaker, I think it is ridiculous when a news media is going to allow this sort of ridiculous reporting just to sell a paper. They should be more responsible. I would appeal to Mr. Ezzard Miller to try and publish the truth in the next issue of this paper. Tell the people of this country who increased the Public Debt, tell the people of this country what the Public Debt was when his Government took over, and that will answer the question. Do not try to smear a good Government like the National Team, which his Government could never, touch. But I am pleased to say, Madam Speaker, that although this has been published we know, and the figures do not lie, we did not increase the Public Debt by his figures. But we also know that for people like him it has to be big regardless of where it is, because we can recall his famous project - the big Hospital in the middle of the swamp.

We said that during our tenure in Office we would work closely with the Civil Service. Stones have been tossed at us with regard to the cut that was proposed in the Civil Service. But may I say, this exercise was started prior to this Government going into Office. But, as far as I am concerned, I believe the time had come when something had to be done. This country can only afford so much and, Madam Speaker, while we have many dedicated, hard working Civil Servants, it is a known fact that in any organisation you are going to have those who drag their feet. As I understood it, what was being done was to try to weed out such individuals and, indeed, have a groomed Civil Service.

I will admit, it did not work exactly as I understood it was planned, because the First Official Member told the House not too long ago that instead of a 7.5% cut it was a 5% cut. But the point I am making here is, that too many times since this new Government has been in place we have

been blamed for things for which we are innocent of. We are aware that this is done for one reason, and that is to make life hard for us with the Civil Service. But I believe, Madam Speaker, that Civil Servants realise by now that four Elected Executive Council Members are presently in the Government Administration Building whom they can speak to on any subject, at any time, without being treated in the hoggish, rough manner I have been told that certain other Members used to do prior to our going there.

I am proud to have the Civil Servants which I do in my Portfolio. I am proud to know that I can work along with them. I have found them to be dependable, knowledgeable and, Madam Speaker, if it was not for good Civil Servants, no Government could make a success. We have to rely heavily on their knowledge and expertise in many areas and I can but only say, that I am proud to know that in my Portfolio, and, indeed, in my Departments I have many, many who fall in that category. But I give the Civil Service the assurance that this Government will continue as we have started, and that is to be open with them, and we are prepared to work along with them in any way that we feel that will make life better for both parties concerned.

Madam Speaker, I would like now to turn to, and deal with, a matter directly under my Portfolio. No doubt I will start with Agriculture. I will show here, again, achievements - achievements which could not have come about without the support of the three other Elected Members on this side and, indeed, the National Team. During the campaign we said that we would give back to the public something which had been taken away, something which had become a national event in this country, I speak of the Agricultural Show. It took only six weeks to put it back together. But it did take a lot of hard work and concerned individuals to do so. But in my mind's view it was a great achievement for this Government.

We also said that we would make sure that for the future of farming in this country, and the showing of products produced locally, we would make it a priority to have in place a pavilion. Madam Speaker, another great achievement for this Government is a beautiful pavilion located on Government property in the district of Bodden Town. We decided that it was a central point and, as we stated in our Manifesto, it is cattle country. I am grateful for all the support that I have received from the Members in that district, and the Government as a whole, in making this a reality. It is hoped that in February of next year we will have the official opening of that facility and, once again, the farmers in this country will be able to demonstrate exactly what is produced locally.

We continue to improve the Department. In so doing, Madam Speaker, it continues to reflect this Government's interest in agriculture. We continue to work along with farmers, and I may say that the Portfolio and the Department, already this year, along with many farmers from all parts of this Island, attended conferences and shows in places like Jamaica and Barto. My Principal Secretary and I also attended the Royal Agricultural Show. It is important to mention, Madam Speaker, because, as I walked around the various farms, it is clear in my mind that those farmers who were exposed to such conferences have been able to return home and put into practice many things which they have seen at these conferences.

At present we continue to offer good technical advice to the farming community. Madam Speaker, we presently have a small laboratory, and it is good to be able to say that the individual who presently is in charge there is a Caymanian. As a matter of fact - the First Elected Member for Cayman Brac and Little Cayman would like me to say, I am sure, she is from Cayman Brac. But great improvements, and what I have seen, Madam Speaker, is the true Caymanian in action. Because it is her country, she is making sure that the best is done. We continue to monitor liver-fluke in this country and, again, the same individual whom I have mentioned is in charge of that programme. Throughout these Islands we are able now to show, from records, the areas where the most problem is experienced with liver-fluke, and I would like also to report that we have it under control. The programme in place allows us on, roughly, a three months basis to go around and to make sure that the proper tests are carried out and that the various animals are treated. Included in this are regular visits to the Sister Islands, Cayman Brac. Members of the Department of Agriculture and I travelled there. Furthermore, I have said, on more than one occasion, to the Members for that district that I am only as far as a telephone call and I am as concerned about what happens in the farming community there as I am here in Grand Cayman.

This Budget before us has funds which will be used to assist farmers. As a matter of fact, may I point out that the largest shipment of high quality animals to come to this country is due here in another week. I should say, the second largest, the first being when I was in office between 1980 and 1984. This is being done in an effort to make sure that the quality of animals continues to improve and that the farmer no longer concentrates on quantity, but we go to quality. There is a small amount in this Budget that will allow the Department of Agriculture to do some training of farmers. We also have an amount in the Budget to assist the Farmer's Market. Everyone knows the Farmer's Market has experienced problems from day one. But again, the Farmer's cooperation, the Department and my Portfolio, continue to work together in an effort to make the co-op work the way it was designed to work. We also continue to offer to the farmers the services of equipment for clearing of property at a very nominal fee. The farmer pays only the cost of fuel. Madam Speaker, this has assisted greatly in the farming community, and we will make sure that it continues in the future.

Presently, there are plans within my Portfolio for a slaughter facility which will be constructed in the same area as the pavilion. May I point out here, Madam Speaker, what I am trying to do is to centralise the things which are necessary for the farming community. When I speak of a slaughter facility, let me explain exactly what I am speaking of. In no way am I speaking of a very expensive abattoir. I think, during the debate, one Member said that he had noticed funds in the Budget for the slaughterhouse and, if I am correct in remembering what he said, he wondered if we could justify it for the amount of cattle which is presently on the Island. Madam Speaker, this goes a little further than that. I have to be concerned about proper slaughtering facilities, even if one animal is slaughtered on this Island, simply because it only takes one to create a problem which could become a health problem which we do not need in this country. But I give him the assurance that the slaughter facility which will be built, will be a facility for the needs of present day, and a little bit into the future.

However, it will be a facility that can be added to as time and the need comes along.

Why do we have to build a facility, like yesterday? Madam Speaker, for many years Government has utilised a building, but the building was privately owned. We have been asked to look elsewhere because the individual has passed the property on to his children and, no doubt, they need the property for something else. This is why it is so important, and urgent, that we put a facility in place for the farming community of this country. I must further stress that in recent times, through the Farmer's Market, the farmers of this country have been able to penetrate the "brick wall" which they have experienced for many years. What I mean is, there are many tourist related businesses, and some supermarkets, that are presently prepared to take meat from the farmers. We have to be sure that the animal is properly grown, we have to make sure it is properly slaughtered, and we have to be careful that when something passes through the Farmer's Market and on to those places which I have mentioned, that we, as a Department of Agriculture, and, indeed, the Public Health Department can seal it with the assurance that it is healthy.

I continue to feel as I did many years ago when I suggested to another Government that in each district of this country there should be a satellite butcher shop. Madam Speaker, before my tenure in Office is completed I will endeavour to make this a reality, because, regardless of what central facility is put in place, we are going to find those farmers who would like to butcher something in their immediate district and, again, I feel it is our responsibility to make sure that it is done in a sanitary fashion - it is still our people who will be utilising the carcass. Madam Speaker, my Portfolio continues to look after the problem of farm roads. This is something which has greatly assisted the farming community in this country. I will continue to keep a watchful eye. I will continue to monitor the farming areas and I will continue to propose to Government that new farm land be opened up and accessed properly with farm roads. I am proud to say that the most recent farm road completed, was completed last week, and it is in the district of East End. This has opened up a whole new era to the farmers. Madam Speaker, it makes me feel good when I see how well those farmers in that area appreciate that access road.

I would like now to turn to another section of my Portfolio. I would like to touch on the Public Works Department and I would like to say that, for the few months of this year that funds allowed us to work, I am justly proud of the amount of work which that Department has carried out, and are still carrying out. We were able to do a fair amount of road maintenance, a lot of shoulder work and, in some areas, we have been able to do a lot of seal and chip and realignments. We will continue to do this within the budget we have to work with.

I would like to point out that many times the Department of Public Works is ridiculed. I have had many calls asking why they are doing this, or why are they doing that, especially when they are trying to tidy up the shoulders of the roads. Madam Speaker, this is called preventative maintenance. Going toward the eastern districts, especially in the Savannah area, it can be seen quite clearly how necessary this sort of preventative work is. We are presently doing some in West Bay, much was done here in George Town, and we hope to do some more this year.

May I say, Madam Speaker, that I am pleased to see that all Members were willing for us to have a fair road vote included in this 1994 Budget. I will take the time to show that in this Budget the Public Works Department, or my Portfolio, is not only thinking of one area, but we are trying to look at the three Islands and we have tried to put it in such a way that priority is given to the areas with the greatest need. I need not repeat in this House how many times I begged past Governments to look after roads to the eastern districts. Madam Speaker, very little was done for many, many years. Therefore, the result is today, that if that preventative measure had been taken it would have been much cheaper on the coffers of this country. But I will say, like I always do, thank God for waiting. It is now in my hands and, with the help of this Honourable House, I will do my part for the time I am in this Portfolio.

The amount, Madam Speaker, is \$3,156,070. A project which got on its way last year was trying to look at the nasty curves, especially from Frank Sound into my district, East End. The first amount in here is for the Half Moon Bay curve and it is a figure of \$214,560. The next amount is \$34,000 which is for this district, George Town, and will be spent on the shoulders along North Church Street. An amount of \$80,000 is for the West Bay Road shoulders. The amount of \$30,000 is for an area in the South Sound, and my I say, this is one of the areas that I had some ridicule on last time. I must point out now, it was not from my good friend, the Member from that area, it was from some individuals living there. But I took that with a grain of salt, Madam Speaker, because what we were doing there, once again, was preventative maintenance. It was being done in an area where an old South Sounder had been killed and we were doing it out of concern that that area needed proper shoulders so that people walking or riding bicycles would be safe. One Hundred Thousands Dollars will be spent on the Community College road, this is along Walkers Road. Again, Madam Speaker, this is very important because one only needs to go through there on any morning and they will see the congestion as the buses and parents drop students to school. I believe this will be money well spent.

We have \$75,000, which is here to complete the car park off Thomas Russell Way, and this is for the taxi dispatch area. In recent times that has been transferred to my colleague, the Minister for Tourism. Ninety-Four Thousand is for the Town Hall junction in West Bay. Again, this is what we consider a dangerous corner and we are trying to do what we feel is right before something serious takes place there, as far as an accident. Forty Thousand Dollars is in for drain wells. Again, Madam Speaker, last year there was a great demand placed on the Public Works Department for additional wells in different areas, especially here in George Town - areas which, in my opinion, had been ignored for too long. We are going to try our best to come to grip with the problem and to see how well it can be dealt with.

Twenty-Five Thousand Dollars for street lights. Madam Speaker, this is a concern of each Member in this Legislative Assembly, a concern which continues on a yearly basis. I am proud to report that we have been able to come to some sort of grips with Caribbean Utilities Company (CUC) on

the street lighting programme, and where it was costing Government approximately \$200 for an installation fee, plus the electricity, we have been able to work out something, whereby we will have a more efficient street lighting and, at the same time, at a cost of a little less than \$10 to Government, which would include installation and maintenance. There is \$25,000 in the Budget for road planning. Madam Speaker, regardless of what Public Works is going to do with regard to a road, there is a certain amount of planning involved. So, I do not want anybody to believe that I am trying to revive any grandiose scheme that was once before this House, I speak of the MGTP (Master Ground Transportation Plan), it is nothing like that. I just want to make that abundantly clear.

We have \$25,000, and this is for other road safety works. I would point out one area, and again it is in my district but it has been a request of mine for many, many years. It is a very dangerous area to drive, and we are going to try to put some guard rails along the High Rock area. This I know will nowhere near complete the project but, of course, unless I make a start, I will not be able to finish. I have \$50,000, which will be spent on the realignment of the mangrove bush corner which fits into the project which has just been completed in the Cottage area.

In North Side we have \$150,000 which will be used for more seal and chip on the roads in that area. We have \$160,000 which will be used for a new hot mix overlay and this will be used, more or less, as what I mentioned earlier - and preventative measures in various areas. Two Hundred Thousand Dollars, a project continuing, which was started this year, and a project which I had begged for, for many, many years in this House, and that was to reseal the Queen's Highway and on to the district proper of East End. There is \$72,500 this is to deal with a very dangerous curve in the Savannah area known as Mr. Otto Watler's curve. Madam Speaker, this area, for those of us who know it, has claimed the lives of many people and it is my belief the time is right for us to do something about it.

**THE SPEAKER:** Honourable Member would this be a time where we could take a suspension?

**HON. JOHN B. McLEAN:** Yes, Madam Speaker.

**THE SPEAKER:** Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:37 A.M.

PROCEEDINGS RESUMED AT 11:58 A.M.

**THE SPEAKER:** Please be seated.  
The Honourable Member for Agriculture, Communication and Works, continuing.

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

When we took the break I was taking the time to go through the various amounts in the Budget to show exactly how funds will be distributed, district-to-district, on the various jobs which we intend to do next year. I refer again to the policy of this Government, as stated in our Manifesto, and to show how closely we continue to follow what we said at that time. We said there must be a systematic upgrading and expansion of roads throughout all districts on all three Islands. We placed as our objectives that emphasis on repairing and widening, where necessary, the present roads and shoulders would be done. We further stated that to alleviate traffic jams, especially on the West Bay Road, we would consider adding a third lane. We also spoke on agricultural roads, as I have spoken on before, and said, that we would look at their upkeep and also to look at proper street lighting. The one point that was made strongly, is that, while we believe that road works must continue, upgrading must continue, and preventative measures must be taken on roads. We must do it within the means of the Government - and that is exactly how we intend to continue.

Madam Speaker, there is \$35,000 in the Budget for the shoulders near the Tall Tree area in Savannah. Bodden Town shoulders, in the area of the Primary School, is \$20,000; and the Harquail area to the Airport, there is a figure of \$800,000 which, as was pointed out quite clearly by my colleague, the Minister for Tourism, will open up easy movement from the West Bay area to the Airport area where, in most cases, most of the vehicles are going to in any case. We have \$11,000, which is for a safety improvement at Palm Heights in the West Bay area. We have \$100,000, for the Crewe Road/North Sound Junction and it includes turn lanes and signals. Seventy Thousand Dollars (\$70,000) will be for Palmetto Point Road in West Bay and, again, it is a portion of this that will have to be reconstructed. Along the Airport Road, there is a section there that is quite dark in the night and we felt that, being the only Airport and an area that is frequented by individuals shopping at Foster's Food Fair, it is a good idea for us to have it properly lit, and included here is a figure of \$23,010 for that purpose.

Thirty Thousand Dollars (\$30,000) will be for some patching work and repairs in the Tropical Garden/Shedden Road area. Ten Thousand Dollars (\$10,000) will be for identifying footpaths, which also falls under my Portfolio, and this is identified for Bodden Town and other areas in Grand Cayman. Fifty Thousand Dollars - Eastern Avenue and Nixon's Drive, here in George Town, and this will include a small portion of land and some signals to be put in place and a turn lane in that area. Fifty Thousand Dollars will be spent on the Northward junction. Again, Madam Speaker, this is a very dangerous curve and, for example, water trucks, or any other large vehicles trying to negotiate that curve literally blocks the main through-way and this \$50,000, we hope, will alleviate that problem by properly shaping and widening that curve. Twenty Thousand Dollars will be for some future designing and, of course, planning and gazetting of roads.

We have \$110,000, which is in here for the MLA Roy Bodden Farm Road and the Belford Estates, which is to be sealed and chipped. Ten Thousand Dollars for some improvements, and I think this portion of the money will be utilised, hopefully, for proper signals and a portion of land in the Tall Tree junction area. Eighty-Two Thousand Dollars, the Middle School, Catholic School sidewalks and roads, and the project which I mentioned earlier. The Frank Sound Drive area - \$150,000, that is, Frank Sound into North Side. Forty Thousand Dollars for road shoulders on the North Coast Road in Cayman Brac; and \$25,000, for Robert Foster's Road, and I think that is some sand sealing, in Cayman Brac.

The North Coast Road, Little Cayman, some upgrading the sum of \$75,000. I would like to point out that this is not the extent of road works in Little Cayman because, we have recently diverted the funds that were budgeted for the Burt Marston Road in Cayman Brac, which I think is over \$100,000, that is presently being spent on roads in Little Cayman. Again, may I point out it may seem like a lot of money going into Little Cayman, but it is easy to justify upgrading roads in Little Cayman. But it is very hard to justify further roads in Cayman Brac, because, as far as I am concerned, if Grand Cayman had a road infrastructure like Cayman Brac, we would be well on the way. However, we will continue to monitor that situation and, as need be, we, no doubt, will have to attend to the problem.

Madam Speaker, I will move away from roads now and touch briefly on two areas that fall under my Portfolio that have caused some controversy in recent times. I will first of all deal with Caribbean Utilities Company. There has been much said with regard to this company, but may I first point out that I have taken the stand which we, as a group, stated in our Manifesto. That is to investigate and to see what, if anything is possible, can be done to assist the people of this country with the high rates which are presently paid for electricity.

I would state that, thus far, since I have been in the Portfolio, I have had a fairly good working relationship with the General Manager. I have laid the cards on the table, as far as the franchise will allow me, and I must say that it has worked fairly well. Like other colleagues in this Legislative Assembly, I, too, was very much upset and disappointed with increases in the rates in recent times but, as I pointed out in a statement which was made in this House and, hopefully, to this country, that I have done as much as was humanly possible for me, as a Government Minister, to do under the present franchise.

Caribbean Utilities Company (CUC) in no way needs to come to Government with regard to increasing their rates. This is very sad and it is hard to believe that a Government of the past would have allowed a franchise of such a magnitude to go into the hands of a company which today is creating a lot of hardships for the people of this country. I met with the Manager, on many occasions regarding the matter. I pointed out that this Government was definitely against any rate increases. I pointed out that I, for one, was not supportive of an increase. But, of course he knew, as did his Board of Directors, that regardless of what Government had said, they could go ahead and increase the rates, and this is the avenue which they chose. Let me say that the only saving clause which I see in that franchise is where Government has a chance to challenge their increase. It is the first time such a challenge has been put forward, and I am pleased to say that I, with the assistance of my Government, am doing exactly that. We are presently making all preparations to put a firm in to do a thorough investigation to either prove that Caribbean Utilities Company is right, or that they are wrong. As I pointed out earlier, if they are right, I am prepared to be man enough to say to the people of this country that under the franchise which was awarded to that company many years ago, which has tied the hands of this present Government, they were right, or they were wrong. I give you the assurance that if they are wrong, I think it gives this Government an opportunity to put it right, and I am also prepared to see that through.

Presently, I must say that we now have in place good Directors. I have my colleague here, the First Elected Member of Executive Council, who, as all of us know, is a very strong person and he is on there and, no doubt, the Government is confident that we will be represented the way we should, and that whatever is taking place there, we will always be aware of the situation. I would further add that it seems to have been in the past some sort of break down in communication from that level. So, as I have said, Madam Speaker, we will be doing what the franchise allows us to do, and our hope is that we can prove them to be wrong, because, if that is done, it would give us an opportunity to put a franchise in place that the people of this country can benefit from.

I would touch briefly on the other utility company, Cable and Wireless. Madam Speaker, it is a similar situation whereby a long term franchise has been given to a company. But, as I have tried on many occasions to explain to this House, it is totally a different situation with regard to Caribbean Utilities Company being a public company, and Cable and Wireless being a private company. The embarrassing position that the country was placed in sometime ago, with regard to certain information going public - that was supposedly heard in the Public Accounts Committee - should have never happened. Because, Madam Speaker, after having legal advice on what was in the franchise I personally undertook to speak to the Manager of Cable and Wireless and ask that he come before the Public Accounts Committee and give the information which would have been kept in confidence. Unfortunately, this did not work. But it is one of those things, again, perhaps if the Government granting such a franchise had put more thought into what it would be like in the future, maybe we would not have had such a franchise in place. But again, the hands of this Government are tied with the previous mistakes of a past Government.

However, I must say that with all that has been said about Cable and Wireless, and I know that the Government has been accused of defending Cable and Wireless - and, Madam Speaker, this is far from being the truth. We have only stood up for what is right under the franchise. Regardless of which Government puts a franchise in place, it tends to bind the other one, if the number of years are still existing in it. So, therefore, we were obliged, legally, to stand behind the franchise which a previous Government had put in place. That was all that we were doing. We were not giving our personal opinions, because, I am sure if we gave our personal opinions that would have been in some cases different. However, Madam Speaker, again I would like

to point out that Cable and Wireless has offered, especially to the young people of this country, a lot. I wish that I could stand here today and say the same of other companies in this country - because we have most of the staff members of Cable and Wireless being Caymanians. As a matter of fact, it is, as I understand it, perhaps the next General Manager could be a Caymanian. I mean, I think this is something for us to think about. I would further point out that this is not the only spin-off to this country. But already for this year, the Treasury has received much over the budgeted amount in Revenue from Cable and Wireless as a portion of their profit. As a matter of fact, I think it is something in the region of \$.25 million over what was budgeted, bringing the figure close to \$4 million in 1992. Again, it is anticipated that this figure will be higher in the 1994 Budget.

I am not saying this to try to justify anything that has happened with regard to the Public Accounts Committee because, as I have pointed out, that should never have happened. But I point it out to show that there is a great spin-off today - benefits for the people of this country coming directly from Cable and Wireless. A lot of people continue to say their rates are so high and in recent times we saw a newspaper article where there was a comparison of rates. But, Madam Speaker, for example, the one that drew a lot of attention was US\$0.23 in Jamaica versus \$1.25 here. But what would that US\$0.23 be if we converted that into Jamaican dollars and a dollar is a dollar in any man's country? So I thought it was a bad example to give. However, since I have been in the Portfolio, I have constantly met with the General Manager, and on more than one occasion we have spoken of rates and the concerns of the Government and the people of this country. He has given me the assurance the he is prepared to do whatever in his powers to pass on the request to his Board of Directors, and this is where the matter is at present. Maybe some people believe that nothing has been done, but, Madam Speaker, to the contrary a lot has been done, in all that we have done, it has been done in a manly fashion. I trust that we can continue the line of communication which we have in place and I give this country the assurance that, again, I will continue to try to have better rates in place, if it is at all possible.

Now, in recent times, Madam Speaker, there have been two areas that have caused some controversy. I heard from somebody that until yesterday the prices which they could get from a United States Call Back System was so much lower than what Cable and Wireless could offer. Madam Speaker, not everything that is offered cheap is legal and correct. This country has given to Cable and Wireless, like it has given to Caribbean Utilities Company (CUC), and I understand there could be another one here - another Gas Company here or something, that has a franchise that says they will be the sole operators of such a communication in the Cayman Islands. Now if there is such a franchise in place, how can it be legal for another company to go and purchase a telephone line from Cable and Wireless and turn around and sell it at a lower price? The reason the price is lower is because, as I understand it, it is a worldwide network of groups of people who have put the service in place and, therefore, they have nothing invested. So they, in turn, can give lower rates.

I have spoken to the General Manager on this. The matter has been explained to me. The matter has been gone into legally by the Legal Department, and Government can do nothing to deal with such a matter. The matter has to be dealt with between the franchise holder and the individuals who are presently offering this illegal service. As I said to somebody yesterday, who said they were going to sue Cable and Wireless, I said you do just that because they are the franchise holders and I am sure they will be prepared to deal with it.

The other matter which caused some controversy was another group who was trying to offer a slightly different service. I think they called themselves, Go Fax or something like that. Again, Madam Speaker, it was a matter which I had to stand in my boots on because I could not pull Government into something which they could offer no solution to. I could not over ride a franchise that was given by a previous Government. Therefore, the negotiations must take place between the franchise holder and the individuals who are presently trying to offer the service. I have spent some time trying to clarify these two areas because, for whatever reason, it seems as if the talk on the main road is that Government is backing Cable and Wireless and allowing them to pull plugs on individuals who were getting a reduced price from a United States Company. Madam Speaker, it is nothing like that. We have had no direct involvement in this matter. The necessary things which had to be done, as I understand it, were done in a legal fashion through Cable and Wireless themselves. As far as I am concerned, if there are individuals who feel that they have been unjustly treated by Cable and Wireless, I think the Courts are there to deal with such a matter.

Madam Speaker I would further point out that the General Manager, his Assistant, myself and the members of my Portfolio, have sat down and discussed this matter with one of the groups involved. Apparently, in one instance it was some misunderstanding with the Go Fax Group, I think, and the General Manager. But I had to point out to them, in the presence of Cable and Wireless, that under the franchise, exactly what I have said before, there are certain clauses in the franchise that do not allow Government to become directly involved with such a negotiation. The matter was then left between the two parties I have mentioned. Government has done its part in this matter. I repeat, the reason the stand has to be taken this way, Madam Speaker, is not because of anything this present Government has done. But, indeed, because of the lack of foresight of past Governments who offered such a franchise. I will point out that it is my understanding that in one case the franchise was put together in recent times, like 1988.

I will now move on to another area that falls under my Portfolio, that of the Postal Services. First of all I would like to pay respects on behalf of the Portfolio to the retiring Post Mistress, Mrs. Cynthia Sterling Pearce, and to say that we welcome on board Miss Corinne Glasgow who will be taking up the post on the 1st January, 1994. Madam Speaker, this, in my view is one of the areas which again, I have found in fairly bad shape. We are doing as much as we possibly can, in the short time that I have been there, to make things right. Unfortunately this is an area that I believe, had it been monitored closely and properly, could have been a great revenue earner to this country. We are going to endeavour to make it such a revenue earner, and one of the first things I did, after getting into the Portfolio, was to study a Report that had been put forward by the British Postal Services and certain recommendations which they were making with regard to upgrading our

facilities here. We now have in place, as of the 1st of November, an individual who comes directly from the British Post Office, somebody who is quite highly recommended and somebody who knows exactly what needs to be done in circumstances like the one which we have here. He has been there and, thus far, he has been trying to bring on line staff and facilities in the General Post Office in George Town. At the same time we are looking at the district Post Offices, and we are trying our best to improve the services which this country needs and which the people of this country deserve.

Madam Speaker, this is an area that we need to constantly monitor. Being the financial centre we are, this is an area that we cannot allow to go below par. Unfortunately, there are certain areas that have. We have identified them and we are going to try to put them right. Included in this Budget is a figure of over \$.25 million, I think, which will be utilised for the necessary renovation and other things which we need to do in an effort to put this right. Madam Speaker, in the West Bay area for example, we have what is known as the Hell Post Office. We believe this could be the pearl of the Post Offices in the Cayman Islands if it is fully developed. But what has been happening in the past, as recent as the last Sitting of this House, I was called out of this Chamber to receive a report that there were three buses of tourists in the yard and the Post Office had been shut because there were no stamps to be sold.

Madam Speaker, I will not comment on my attitude at that time because it was not nice. To me that had to be bad management. This is something we will be looking at. We will be making sure that, if necessary, we will improve the hours at that Post Office. We will try to do a face lift on the facilities and we will try our best to make the customers there who are mainly, as I understand it, visiting tourists and, of course, residents alike, comfortable and offer to them the services which they deserve.

I was also pleased on visiting the British Postal Services, I met with the General Manager who I think is referred to as the Post Master General. I was very impressed, Madam Speaker, because it was far from my thoughts that there was such an efficient service as the one I saw in place there. Certain things that I saw I never knew existed in any part of the world. From the time a letter was mailed until it was delivered was unbelievable, and it was all there for one to see, from their statistics. Also, it was very encouraging to see that you could go into a Post Office and, if by chance, while you were there you decided you wanted to purchase a post card, your pen had run out of ink - whatever you needed, it was offered right there at a reasonable price. The other thing was the beautiful display of old stamps which are collector items, coin sets, you name it, all revenue makers. Madam Speaker, these are the areas that we are going to tap. We are going to make sure that when tourists arrive in those facilities they do not have to buck their heads and wonder what is there to be offered - it will be there for them to see.

We hope to go district to district, to do the necessary improvements to the Post Offices there. I believe that there are certain services which the outer districts, such as Bodden Town, East End and North Side, could offer to the general public through the Post Office that will assist them tremendously. I believe that there are many people who do not own vehicles of their own and would much rather walk a short distance in their district, pay a garbage fee, pay a tax on their car, or, perhaps, their light bill, this thing and the next thing, right in their district rather than going ahead and having to pay a bus fare to come to George Town, having to stand in line, with the chance that perhaps the day would pass and still they would not complete the main thing that they came into town for. I believe these services can once again be offered in these districts. I recall as a boy, in my district there were many taxes that could be paid right at the Post Office. I think that in this respect the Post Offices have taken a retrograde step and we must make sure that we put these services back in place.

I realise that, also in the outer districts, we need to revive the hours which the Post Offices are opened to the public. I have received many complaints with regards to this. Here is an area, again, which we will be looking at seriously and trying to correct. Again, the present facilities in the outer districts of Bodden Town and East End on this Island - North Side does have a fairly new Post Office - the Post Office in Bodden Town needs a face lift, it needs quite a bit of work done to it. The little one in Savannah has almost outgrown its purpose. The one in my district is the same. We need to try and modernise it and, at the same time, give some comfort to the individuals employed there. In most cases these buildings are very close to the main road and it would surprise you, not having an air-conditioning unit in there, the uncomfortable conditions which the Post Mistresses and Post Masters have to undergo. We are taking a serious look at this and we are going to do our best to correct it.

The other thing which we are looking at especially here in George Town, is the separation of light mail from heavy mail. I believe that the present facility here in George Town would serve better if it dealt with light mail with the Parcel Post area being put in a different facility, it would allow more space. It would allow better display areas and it would give the public more comfort and last, but very important, I believe it would give the staff a new look on life by being able to work in more comfortable conditions. Very important, Madam Speaker, we cannot have facilities without the right people to operate them. I am a firm believer that in order for something to operate the right way, you must have the right personnel in place. Again, this will be the task of the individual, whom I mentioned earlier, to evaluate the situation, make recommendations to the Portfolio and the matter will have to be taken from there.

My belief is that the front counter in the General Post Office here should be run exactly like the front counter in any commercial bank, that is, the customer comes first. There is no reason why we cannot do it. After all, the Post Office and the Postal Services were here before any commercial bank, and if they could come since us and do it, then we must offer this service to the public.

I would touch briefly, Madam Speaker, on the Central Funding Scheme which is now termed DEVS. Again, in the Budget there is a figure whereby we will utilise to upgrade the present facility and to try to offer even a better service that has been offered in the past. This is an area that, especially with Government equipment, is depended upon heavily and, if it is to operate the right way, we must give



to them the necessary tools which are needed to do the job. When I refer to tools, I would also refer to the necessary staff because as I see it now they are operating with a skeleton crew in the repair shop. I will be nagging somebody shortly, and I know that my good friend the Financial Secretary is not listening to me, but he will be the person that I will have to talk to.

Madam Speaker, I will now turn to my district, East End, and I would first of all like to show my accomplishments for my district this year - my first year in the Portfolio. Although I hold responsibility in Government, my first responsibility is to the people of East End, by whom I was elected. Again, I have to refer to the many years that I pleaded in this House for road improvements in East End. Of course, it was a lone voice crying in the wilderness. But I am happy to know that the same stretch of road which I begged for, for so long, I was able to start that project and it is well on its way into the district. With God's help, it is my intention to continue on that project in next year's Budget. I also, on many occasions, asked the Government of the day to look after the Queen's Highway and the road to East End from that direction. Again, I am glad to know that this year I was able to get most of that road with a second application, and it is my hope, like I pointed out earlier, that from the Tortuga Club to the main East End district, we will have some more road work. I had quite a bit of interior farm road work done, mainly preventative work and upkeep. The project of a full size playing field for East End has been started and is well on its way. Hopefully, Madam Speaker, will be close to being finished next year. The long overdue tourist attraction - the only one of its kind - the blow holes, is just about completed and, I daresay, is used very much by tourists and residents alike.

The Lighthouse project is still under construction - another lovely tourist attraction which has a lot of potential for further development. The Wreck of the Ten Sails project is about to begin and I hope will be completed by February, 1994. The farm road which I mentioned earlier was completed last week and opens up a whole new area of my district. Madam Speaker, these are achievements which I look at as most important because, although they have taken place in my district, many of these improvements will lend themselves to the use and attraction of visitors and, indeed, other individuals from other parts of these Islands.

I am happy about the support which I received from my colleagues in this House to make these a reality, and I beg their continued support on those projects which are ongoing. Plans for 1994, and I will continue with my district. As I mentioned earlier, we will complete the playground. It is hoped that some work will be done on developing the water reservoir in my district and offering to my people a source of piped water. The schools will be, in some respects, upgraded. The school fence will be repaired properly. The road works will continue, as I pointed out earlier. A very major project, a project which is necessary and which safeguards my people and motorist in general, is the project which I hope to start putting in place - the guard rails along the dangerous stretch of road that leads into my district. The road from Tortuga Club (the only hotel in the area) to my district will be worked on and it is very necessary at this time because of lack of work over the years.

I mentioned the upgrading of the Post Office and, I also mentioned the straightening of the bad curves in the Half Moon Bay area. Although the work on the clinic, as was pointed out by my colleague, the Minister for Health, there are plans for further developments of the clinic in my district for 1996. I am pleased, Madam Speaker, as I look at that clinic because it was one of my initial projects when I came into this House, and I have been afforded the opportunity to watch it serve my people to where it has now been outgrown. We must look at the future in developing one that will suit the needs of my people.

In conclusion, I would like to say to my colleagues, Members of our National Team, and the Government as a whole, that we have a duty to this country. The Members of Executive Council do not have a field day, and to those who tend to try to set themselves up for Opposition's sake I would urge that they change their ways and instead of spending time in trying to pull down and to find fault with what we are doing, I believe their efforts would be much better spent in trying to work together with us - seeing as how each one of us was elected to this Honourable House by the people of this country with the hope in mind that we would do what is right for this country.

Madam Speaker, from some of the rhetoric I have heard in here in the short tenure of this Government, for Opposition's sake cannot be in the best interest of our beautiful Islands. We are constantly hearing the cry of dedication and love for the Cayman Islands. I am appealing to those that I have mentioned to show their love for the people of this country and for the Cayman Islands as a whole, to try and work for what is right for these beautiful Cayman Islands.

Thank you.

THE SPEAKER:

Proceedings will be suspended until 2:30 P.M.

PROCEEDINGS SUSPENDED AT 12:58 P.M.

PROCEEDINGS RESUMED AT 2:33 P.M.

THE SPEAKER:

Please be seated.

Continuation of debate on the Second Reading of the Appropriation (1994) Bill, 1993. The Honourable Third Official Member.

HON. GEORGE A. MCCARTHY:

Madam Speaker, in the winding up of this Budget Debate on the Appropriation (1994) Bill, 1993, first of all I would like to commend all Honourable Members for their valuable contribution and insightful comments. Secondly, I would like to express gratitude on behalf of the staff of Finance and Development, for the compliments extended by Honourable Members in recognition of their efforts in this exercise.

It would be remiss of me to lead Members into believing that the credit for a job well done in the presentation of this Budget to the Honourable House did not involve a lot of exhausting hours spent by the Members of Executive Council. These Members were not only involved in meetings (commencing at 8:00 a.m. in the morning) with myself and the Budget Team of Finance and Development, but also in many instances they took on the role of being the intermediaries between the Budget Team and the Heads of Departments falling under their respective Portfolios. The Budget for 1994 is, therefore, one which can be viewed as an integrated process by which all Portfolios of Government amply set out the macroeconomic and budgetary policies as well as measures necessary for promoting and maintaining the economic growth and development of the Cayman Islands.

Madam Speaker, one Honourable Member described the Budget Address as uninspiring, and not projecting the heightened level of hope that it should to the peoples of these Islands. From the feedback I have received on the Budget Address, it would seem that such disappointment is not the view of the majority. That Honourable Member, like me, knows very well that it will forever be a very daunting task under any set of circumstances, irrespective of how favourable, for the Budget Address to be interpreted the same by everyone.

In reviewing my notes on the various points raised by Honourable Members, I have arrived at the following summary which I trust captures the substance of their observations. The first is that Government should explore new ways of enhancing its revenue base commitment while generating job opportunities through further diversification of the economy; pursue measures necessary in order to maintain our number one status as an International Financial Centre; urgently address the need to alleviate the high cost of insurance premiums; comment on the extent to which the construction industry has declined; the need to re-introduce an internal audit function within the Customs Department; the current status of the Economic Development Unit; Government's focus on the Global economy; the changing role of Government in the economy with emphasis on stimulating economic growth and development; the need for Government to keep a tight reign on expenditure growth; and the extent of Economic Planning Initiatives being pursued with a view to guiding Government's Capital Development expenditure policies.

It has always been recognised that due to our high standard of living, and the corresponding high salaries and wages required to be paid by firms operating within these Islands, that the scope for attracting other forms of industries as a means of diversifying our economy will always be limited to those industries that are capital intensive, or of a corporate service nature. Because of this need therefore, to not only expand our revenue base, but to generate further employment opportunities and to also respond to the increase in regional competition as developing countries turn to the offering of financial services as a panacea to their economies, the decision was taken by the Government to reactivate the Government Private Sector consultative processes, which is now being carried out by a Committee comprising 20 persons.

Madam Speaker, this committee as it now stands is as follows: The four Elected Members of Executive Council and the Attorney General; the Inspector of Financial Services; Presidents of the Cayman Islands Bankers Association, Law Society, Society of Professional Accountants, Insurance Managers Association, General Insurance Association; Chamber of Commerce; six core members (these are persons who are recognised for their expertise and contribution to the financial industry); and the Financial Secretary as Chairman and also a Secretary which has been appointed to the Committee. The Committee normally holds its meetings on the last Wednesday of each month and, except for when the Legislative Assembly is sitting, this is always observed. These meetings between the Government and the Private Sector, enable discussions on an on-going basis as to innovative means of stimulating initiatives within the Financial Industry, while sharing information as to general concerns of either side. To date, we have seen the introduction of the Mutual Fund Legislation which, from all indications, is being viewed by the International Financial Community as a major stride forward for these Islands.

A major item under consideration by the Committee is the review of our company fees structure. In this regard, Mr. Mike Austin, who recently retired as a managing partner of KPMG Peat Marwick, Mitchell and Company, is assisting the Committee by collating the views of the various segments of the industry in this initiative and also exploring developments that are occurring in other related overseas territories that have turned to the offering of financial services.

For the first time, Madam Speaker, Honourable Members will note that a very significant sum of C\$500,000 has been placed in the Budget under the Portfolio of Finance and Development for the purpose of promoting the financial industry. As mentioned during the Budget Address, it is anticipated that the first of such promotional activities will take place early in 1994, by which time the company fees review should be concluded. I should also mention that one of the major legal firms operating in these Islands has already reduced its fees in anticipation of reductions being introduced by the Government.

In addition, the Government has instituted an Economic Council which is being chaired by the Honourable Member for Tourism, Environment and Planning and which has as its terms of reference the duty of advising Executive Council on measures which it should consider implementing in order to stimulate and maintain a buoyant economy. One of its terms of reference is to advise on the steps, if any, which should be implemented to ensure a financially sound Government now and in the future. As Government is always looking for potential new revenue sources, the Economic Council is expected to play a vital role in assisting Government in this regard.

Madam Speaker, I now turn to our International Financial Centre status. The Cayman Islands Bankers Association commenced its Fourth Biennial Conference at the Radisson Hotel on Wednesday morning. The conference (which concludes today) is an ideal captive audience with which to share useful and up-to-date information on financial developments within these Islands. Both His Excellency the Governor and I have already addressed this conference as keynote speakers. The number of registered delegates

to this conference exceeds 160 persons and it is anticipated that over 50% of these individuals are from overseas. These are individuals who are very senior in the financial industry throughout the world. I should point out that quite a number of prominent local professionals have also addressed this conference, and it is anticipated that it will be an excellent precursor to the conference (which I mentioned earlier) planned to be held in New York in 1994.

Since the beginning of this year quite a number of improvements have been made to our Central Registry System. Today, Madam Speaker, a company can be registered in less than one day and, if urgency dictates, it can be done in a few hours. Included amongst the measures under review for improving all facets of the registry operation is the provision for reserving names and the ability to allow certain firms restricted access to the system for conducting name searches and reservation of those names. When all the improvements currently under review are completed, we should have in place the most advanced registry in the region.

Madam Speaker, it would seem that finally the Marine Survey Department had decided to come out of its shell in 1993. Since the beginning of the year, the number of ships and small crafts on our Registry has increased from 581 to 707, which represents a 21.5% increase.

The restriction placed by the United Kingdom Department of Transport (that at least one of the three Senior Officers on any ship registered in these Islands must be a British National) has been primarily responsible for hindering the development of this Department. This is not a requirement under our legislation, but since we are an extension of the United Kingdom Red Ensign Registry we are required to be guided in such matters by the United Kingdom's Legislative requirements.

Bearing in mind the preceding restriction, His Excellency the Governor has recently written to the United Kingdom asking that they give consideration to enabling us to continue to take onto our Register ships not specifically complying with the United Kingdom's manning requirements. It is felt that this request will be viewed favourably, and if this is done we could see as many as 50 more ships coming onto our Register by the middle of 1994. Assurance is further being sought so that any further changes to the United Kingdom legislation, which would make it mandatory for these manning requirements to be observed by us, would not be applicable to ships being brought onto the Register prior to any changes in the United Kingdom legislation. I should also mention on shipping, Madam Speaker, a recent decision has been taken by this Government to hold the Red Ensign Conference in the Cayman Islands in May, 1994. This will be attended by all of the persons involved in the shipping industry within the Dependent Territories, and also from the United Kingdom as well, and we are hoping that we will have a Senior Minister in attendance. I think this will be very helpful, to get the United Kingdom Department of Transport to understand our needs and requirements and to see the sophistication of our Register. It certainly helped our position when we had the Treasury Secretary, Mr. Anthony Nelson, visit last year.

Now turning to Insurance cost. Government is concerned about the staggering increase in insurance premiums following hurricane Andrew in August of 1992. As a result a Task Force has been set up to address the concerns of the public. The Task Force has been appointed by Executive Council and is chaired by the Inspector of Financial Services, drawing on the expertise of the local insurance industry with a view to investigating alternatives for reducing the onerous burden of these higher premiums. Every available avenue, in consultation with the local insurance industry, will be explored to help reduce the level of insurance premiums on the grounds that the risk factor in these Islands has not risen significantly to warrant the recent increases in insurance premiums.

Employment: According to the latest figures available on employment (which is set out in the March 1993 Labour Force Survey), the unemployment rate for Caymanians in the labour force fell from 6.9% a year ago, to 6.2% in March of this year. While there was an increase in employment opportunities concentrated in the Agricultural, Hotel & Restaurant, Public Administration, and Private Household sectors, 64% were in the Hotel and Restaurant sector alone. This sector relies heavily on foreign labour for the provision of their services and, as yet, the Caymanian labour force has not been able to meet this demand.

There has also been mention of the increasing level of sophistication in the job market. Government recognises this concern and is mindful of the need to assist and encourage the upgrading of the skills of Caymanians through training. Government is committed to generating job opportunities for Caymanians wherever and whenever possible.

The construction industry: The reduction in the value of planned new construction investment, as stated in the Budget Address, can be explained by the following: planned new construction is only a proxy for new housing starts. A planning approval permit lasts for one to two years which means that the reduction quoted in the Budget Address for 1993, does not mean that the construction industry is waning. In fact, financial data on construction shows that the value of loans for construction activity has increased by 40% over 1992 which may be attributed to the time lag involved. The recent increase in insurance premiums will also have effects on local residents and foreign investors in their decisions in terms of the size and value of their proposed buildings.

Turning now to the Customs Internal Audit. The Customs Department contributes significantly to the Government's revenue. For this reason Government shares the expressed concern over the effective operation of this valuable Government Department. The Customs Internal Audit Unit played a crucial role in the operations of this Department. At the time of the inception of this unit, however, there was no centralised Government Internal Audit Unit.

With the formation of a centralised Government Internal Audit it soon became apparent that there was much synergy to be gained from joining the efforts of these two Government Departments. The functions carried out by the Customs Internal Audit falls under the ambit of the centralised Government Internal Audit Department providing the basis for the amalgamation which took place earlier this year.

The amalgamation has allowed the Customs Department audit

process to be expanded, both in depth and in scope, with the hope of enhancing the efficiency of the Department. As a result of a more extensive audit exercise, the Central Internal Audit Unit has been able to focus on allegations of duty evasion among some of the large local importers. This situation is presently being investigated and recommendations, based upon findings, will be made depending on those findings.

Madam Speaker, just to comment further on the Internal Audit Unit, I would not be agreeable, as Financial Secretary, to any impairment, or revenue losses being generated. That would be utter madness. At this time we cannot afford that. It should also be borne in mind that the level of reporting for the Internal Audit within the Customs Department rests with the Collector of Customs. He is quite a very capable Officer, and is very objective. But the centralised trust of the audit exercise now takes it right up to the level of the Financial Secretary, and on those matters relating to the Customs Department, the Collector of Customs and myself frequently have meetings and discussions on the findings of Internal Audit. So there is no potential for, what I would call, lessening the potential for revenue to be lost by centralising the activities of the Internal Audit function.

Madam Speaker, now turning to the Economic Development Unit. The Economic Development Unit has been amalgamated with the Statistics Office and is now known as the Economics and Statistics Office (ESO). Currently, the new office is headed by Chief Statistician, Mr. Bryan Boxill and the economic staff consists of two Economists and a Financial Analyst in addition to the statistics staff. It is hoped that the ECO (which is the acronym for this office) will be able to assist and guide entrepreneurs by conducting feasibility studies on prospective markets they may be considering entering. There has been mention of ways of protecting certain local markets, for example retail stores, by giving consideration to the introduction of a licensing system that would protect existing operators while making them aware of other alternative areas of investment potential. Research will take into consideration population, investment potential, and the optimal number of such businesses that the specific market can sustain, among other things. Government is well aware of the risk factor involved with investment in certain businesses. The proliferation of small businesses struggling to survive is evidence of the extent of the problem. It is hoped that professional guidance and limits on entry into certain markets may alleviate this problem.

Dependence on the external economy: With the two major industries of the Cayman Islands' economy being of a service nature it is vulnerable to occurrences in the economies of the major financial and tourist markets - mainly the United States. There is an obvious link between the local economy and that of the United States. If the United States economy is in decline, then we can expect fewer visitors from the United States, as well as less financial transactions originating from that source over time. It is acknowledged that the primary focus of the Government must be the state of the local economy. While the Government is not consumed by the external economies it realises that it must consider the impact of changes in these economies on the local economy.

Government's role in the economy: Government has reduced its role in the economy in terms of the number of public sector jobs and the amalgamation of many Government Departments. On the recurrent side, the net effect was a savings within the region of \$2 million expenditure on personal emoluments. On the capital side, however, Government has committed the largest amount in the history of these Islands to Capital Development - approximately \$20.2 million. In nominal terms it is clear that the Government is, in fact, injecting money into the economy through its Capital Budget. While this will not address all our hopes and aspirations, it does endorse the commitment of the Government in pursuing initiatives for stimulating economic growth.

The proposed Capital Expenditure on educational sports and infrastructural projects should stimulate the construction industry which has shown signs of strain, and increase the level of human resources through training of the Caymanian labour force. The Budget Address clearly outlines a means by which government can continue to stimulate economic activity while attempting to balance its Budget. This involves reducing the growth rate of Recurrent Expenditure to keep it in step with that of recurrent revenue while increasing expenditure on capital projects aimed at stimulating economic activity through employment.

I should point out that Honourable Members will note in the Estimates that sum appearing inside, and as I mentioned earlier, amounts to \$20.2 million. What is very interesting to note, Madam Speaker, had the Government decided not to raise any new revenue, or to obtain any further borrowings from local revenue sources as it now stands, and the cutbacks that have taken place in Recurrent Expenditure, Capital and Statutory Expenditure, the Government would be able from this source, to finance \$6.6 million which is a very good indication that we are now coming back into a sense of balance, whereby a reasonable percentage (approximately 4% at this time) of the local revenue is being plowed into Capital Expenditure.

Another important point to note is that Capital Expenditure, even supported by borrowings, is not something to be pushed aside for the sole purpose of balancing the Budget. If this is done, what it will do, is it will impair our infrastructure as it now stands and with this impairment, for example, roads - it costs twice as much and the cost increases significantly over time if nothing at all is done, and if we have got significant impairment in our infrastructure, such as roads and public buildings, obviously it will impact of the quality of service that will be offered by the Government. It will mean that the features that made us attractive over the years, and businesses who have flowed to these Islands will seek to go elsewhere. So, therefore, we will have to keep our infrastructure in tip-top shape.

The additional 2.5% reduction in stamp duty charged on land valued over \$250,000 represents a significant cost to the investor, who may already be fully leveraged from the purchase price, and the increasing cost of insurance. It is the belief of this Government that the market will be very receptive to the Government's effort to stimulate the real estate market.

Given the low level of General Reserves, the Government can only afford a limited amount of expenditure. Over expenditure could result in having to introduce onerous fiscal

measures, a situation which this Government is trying desperately to avoid. The emphasis by Honourable Members that Government should explore new ways of enhancing our revenue base is very much in context with the objectives of the Government and hopefully measures agreed upon will be brought to this Honourable House at the time of presenting the medium term financial plan.

Turning now to the Medium Term Financial Planning. As I mentioned earlier, Madam Speaker, this document is presently being reviewed by Executive Council. Therefore the Government is not in a position to lay this plan on the Table of this Honourable House as yet. But, hopefully, this will be done in the near future. I will hold it up to show Members that it exists and it is in the making. The Medium Term Development Plan document is essentially a reference document outlining Government's development objectives and the possible capital projects and financial policies that could be employed to meet these objectives over a three year period. At present, the Government outlined its development objectives, capital projects and financial policies for the year ahead in the Budget Address. So, to some degree this document will be an extension of the Budget. It is hoped, that by developing a public spending programme over a three year period, and supporting that with a three year rolling financial plan, rather than planning on an annual basis, the economy and Government finances could return to a more healthy position.

As a result of a buoyant economy and healthy Government finances in the past, a medium term plan linking budgeting and planning in the Cayman Islands was not given high priority. In light of recent budgetary constraints, it has become more important to introduce this type of planning in order to establish a more defined growth path for the future. Madam Speaker, I should say that my predecessor tabled the first Economic Development Plan that was developed by the Government in 1986. I think it covered the period of 1986 to 1989. So, therefore, the period that I am referring to specifically, would be the intervening period up to this point.

Medium term planning of this nature, with a proposed timetable of investments and outline of projected revenues, could assist in reducing un-planned capital expenditure. Any additional un-planned capital expenditure may reduce the effectiveness of the proposed financial policy as it is likely to increase total expenditure. Therefore, in order to achieve a balanced budget it may be necessary to trade one of the projects in the Public Sector Investment Programme for any proposed additional un-planned project. The successful project should be the one contributing most to Government's development objectives. The medium term development plan should generate greater economic stability in the Cayman Islands by explicitly stating Government's financial strategy for a three year period. It is expected that the actions of the public sector, as one of the country's main investors, will have some impact on private sector investment. Therefore, by stating up front what it plans to do during the next three years, the Government is assisting in private sector planning.

Madam Speaker, two days ago the Fourth Elected Member for George Town asked me what my views were on the North American Free Trade Agreement (NAFTA). Apart from observing the recent comedy between President Clinton and Ross Perot, at this stage it is somewhat difficult to predetermine the impact that the North American Free Trade Agreement will have on the business activities within these islands. While such predictions would be premature on my part, it is still my view that the impact will be positive. In looking at the news report recently, there is an indication that with the merging of the Canadian, the United States and the Mexican market we could have one of the biggest markets being created in the world and in the western hemisphere.

This suggests to me that the capital that would otherwise be leaving North America going to Europe to take advantage or benefit from the combined market and also, the investment opportunities in the Asian Pacific realm countries will seek to explore the opportunities that will be arising within this new marketing structure that will be created under the North American Free Trade Agreement. It further suggests that wherever such economic opportunities begin to proliferate there will always be a need for financial services to be on the increase as well - and we have the infrastructure in place for this. We are known throughout North America, we are known throughout Mexico, we are known throughout Canada, and we are known today as one of the world's leading international financial jurisdictions.

Madam Speaker, Members will hear me emphasising "international financial jurisdiction". I have said to those persons in the private sector that I have been talking to recently that we should get away from the idea of labelling what we do as offshore financial centre. There is no such thing. I think this is a description that has been coined elsewhere from sources that were, at one time, our critics. We have these individuals represented in Cayman now and a number of them are here for the Bankers Association Conference which concluded today. They have been around. They have seen what we have and they have been talking to senior individuals operating within the private sector. A lot of them have said that they are very pleased and, also, some of them have also heard the Budget Address that was delivered. Apart from the Bankers Association they have given an indication that it has sent a very positive note to them.

So over all, Madam Speaker, coming out of this recession, like all the other countries, I think basically we are going to see a growth rate in the Cayman Islands for the period 1994 through 1996 varying between 4% to 6%. It is my view that a very positive message has been sent and there are all the indications. I have seen what has taken place in two countries that I visited recently, and one of the things we have to be very careful of here is how well we attempt to control cost. This may be a very delicate subject and I do not want to suggest, particularly for my fellow Civil Servants, that a salary increase would not be appropriate at this time. But one of the things, Madam Speaker, our salaries bill at this time, which amounts to approximately \$60 million, if we think in terms of a 5% increase, even keeping it at that, we would be thinking in the region of \$3 million. It is not easy to raise that from any given source.

We have seen in the Bahamas, since the Government has changed, that their Companies Registry, up until the end of September, had grown significantly, and they had reached a total of 16,900. I do not know what the figure was before, but I understand that this represents a quantum

leap in terms of growth.

I was in the British Virgin Islands, and I was told that four years ago their Companies Registry was about 20,000. When I was down there they had grown to 97,000. Now these are not situations that we should take lightly. We have several advantages here. We have got superior infrastructure. But there is a complaint about cost, and we know on the outside that those investors that are out there driving the offshore financial business, it means that if the Government pushes up its cost, this cost will have to be passed onto the private sector who, in turn, will then have to pass it onto their clients. Business and money, Madam Speaker, knows no loyalty - they will go wherever the greatest opportunity exists.

So it is much better for us to stay in a situation, having less than what we desire, but being able to put bread into our mouths to send our children to school, enjoy the benefit but yet still, probably we will hold off in terms of changing our cars this year, we may defer doing that for the next two years and to continue to restrain a bit, than to find ourselves in a situation where, in putting on pressure - it is like shooting ourselves in the foot - it comes right around to haunt us. Because, for every business that moves out of Cayman it will mean employment opportunities going for Caymanians. It is going to have an adverse impact on the unemployment rate. So far, businesses are holding back, they are constraining their costs in order to try and generate competition. One prominent local firm has already cut back on its fees significantly in order to send the message to the outside world. It is for this reason why we have taken the decision to review our Companies fees to see what savings can be generated. Therefore, any added cost very simply, if the cost is put on (let us say 5%), some fees will be increased probably 5%.

I think the Fourth Elected Member for George Town gave, basically, the snowballing impact of all of that. By the time it comes back around it translates itself into a significantly higher percentage. I maintain, Madam Speaker, that it is much better for me to be paid a salary of \$3,000 per month, be able to defray my living expenses - if I can maintain the same standard of living - and if I find myself in a position of being able to save \$500, I will be further ahead than being paid \$6,000, maintaining the same standard of living and finding that I am not able to save, or I am probably into a overdraft situation. So we are coming out of a world recession. Cayman is not immune. This is something that has hit the world since the Gulf War.

Madam Speaker, in the United States we are seeing several retrenchment measures. We are seeing military bases being closed, we have seen private industries over there laying off people, right, left and centre. The burden has fallen back on the Government. We have even seen Vice-President Al Gore taking the decision to streamline the efficiency of the Civil Service in the United States. It means that everybody is trying to contain costs.

We, in the Cayman Islands, have minimised the effect of this because what the Government has done has spread out the benefits. But if we continue to draw on the same sources, basically, with a view of not understanding what is happening that whatever new revenue measures that are imposed, once they are sufficiently onerous, they will have an onerous impact on our financial industry and this, in turn, is going to come right around and deprive us of the same bread that we are trying to put into our mouths. So what I am saying, is that it is much better that we work with the Government, we go through the slow process of recovery. Over \$20.2 million dollars has been injected into the economy with a multiplier effect of three, we are talking about over \$66.6 million being generated. The \$151 million in total by the Government will have an overall impact of \$450 million working on a ratio of three.

So, Madam Speaker, when we look at the things that are happening we have to make sacrifices, and I will also use this opportunity to plead with my fellow Civil Servants and Heads of Departments, that we should try and encourage and motivate each other and not turn around and try to create disenchantment in the hearts of junior officers who are sitting down and probably not taking time-out to understand the issues that are happening around the macro-impact of all of this and the implications. If we push cost, Madam Speaker, I have seen what is taking place in the British Virgin Islands - they are growing - the figures that I have given indicated much earlier are ample evidence of that growth. In the Bahamas they have put facilities in place in order to create a 24-hour service. In addition, Madam Speaker, they have even pulled back the duty on some of the items in the tourism market to make their tourism industry more attractive.

So when we look at all of this I think, basically, we would be putting a rope around our necks if we decided to increase revenue measures beyond the moderate level that has been introduced by this Government, because, in effect, \$5.8 million is moderate, it is not something that will create an onerous strain on the local economy. But if we go into the region, if we were to talk about a 10% increase for Civil Servants, we would be talking about \$6 million. So, Madam Speaker, these are my views on it. I know that they will not necessarily be popular, but I have to speak the truth - it may not necessarily be the truth, but this is the best that I can do from my understanding of events.

Madam Speaker, I mentioned earlier what our public debt position is. The net borrowings will be \$8.1 million. I pointed out much earlier that the Government cannot allow for any impairment to take place in our infrastructure. Everyone living in these islands - Cayman Brac, Little Cayman and Grand Cayman - I do not think it is so prevalent in the Brac, but I have been seeing a lot of pot-holes in the roads in Grand Cayman. Once the sub-surface of the road structure becomes weakened it will mean substantial expenditures will have to take place. Therefore, when we look in terms of what we have, of the \$20.2 million that is being proposed for Capital Expenditure, once we factor in the new revenue measures, it is less than 50% that will have to be met from borrowing, because borrowing, in effect, basically will represent a net position of \$8.1 million. The total is \$9.1, taking into account \$2 million that was approved in 1990 for upgrading the Hospital surfaces.

Therefore, it is not something that is creating an onerous impact and it will still continue to maintain the burden that the debt repayment is putting on the local revenue at a bearable level. It is something, Madam Speaker, that the Government will have to continue to look at, because we have seen

what uncontrolled indebtedness has done to other countries. The Government has put forward a Budget, Madam Speaker, that is very prudent, it is very modest, as I have said, it incorporates the views and the thought process of all Heads of Departments, of all Members of Government and, Madam Speaker, I would like, once again, to thank Members of this Honourable House for their contributions to this Budget Debate.

Thank you, Madam Speaker. (applause)

**THE SPEAKER:** The question is that the Second Reading be given to the Appropriation (1994) Bill, 1993. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. THE APPROPRIATION (1994) BILL, 1993, GIVEN A SECOND READING.**

**THE SPEAKER:** That concludes the Business for today. I will now call for the Motion for the adjournment.

#### ADJOURNMENT

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

**THE SPEAKER:** The question is that the House do now adjourn until 10 o'clock, Monday morning. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AT 3:21 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 22ND NOVEMBER, 1993.**

**MONDAY  
22ND NOVEMBER, 1993  
10:04 A.M.**

**THE SPEAKER:** Prayers by the Second Elected Member for Bodden Town.

#### PRAYERS

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

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

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.

#### ANNOUNCEMENTS BY THE SPEAKER

##### APOLOGY

**THE SPEAKER:** Please be seated. Proceedings are resumed in the Legislative Assembly. An apology for absence has been received from the Honourable Member for Tourism, Environment and Planning, who will be off the Island.

**HON. W. McKEEVA BUSH:** Madam Speaker, on a matter...

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Thank you, Madam Speaker, on a matter of procedure, I believe there has been a hiccup in what happened here on Friday. Normally, when the debate on the Motion has been taken on the Second Reading of the Appropriation Bill, the matter is then referred to the Standing Finance Committee. I do not think that is what happened. But, I would urge that that is what we do this morning - move straight away into Finance Committee.

**THE SPEAKER:** Honourable Member, Standing Order 63(3) says:

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

This is automatic, as is the Committee of the Whole House on any Bill. There is no necessity for a Motion and the Motion for the Adjournment should have really stated that the House would adjourn until after the Finance Committee. That is what will be done this morning, after the questions have been dealt with.

Questions to Honourable Members. Question No. 216...

**HON. W. McKEEVA BUSH:** (interrupting) Madam Speaker, Madam Speaker, I firmly believe that the will of the House is that the Estimates take precedence over any other matter and, accordingly, on behalf of the Government, I move that the House be adjourned until further notice and that we move straight away into Finance Committee.

**THE SPEAKER:** Well, if that is the Motion that is to be put, that is not the Motion that was put on Friday. If someone would like to move the Motion that the House stand adjourned until after the completion of the Finance Committee, I will put that question.

Honourable Member for Health and Human Services.

**MOTION FOR THE ADJOURNMENT**

**HON. W. McKEEVA BUSH:** Madam Speaker, accordingly, I move that this Honourable House be adjourned until the consideration of the Draft Estimates that has been referred to the Finance Committee has been completed.

**THE SPEAKER:** The question is that the House do now adjourn to be reconvened at the termination of the consideration of the Draft Estimates and the Appropriation Bill by the Finance Committee. Those in favour please say Aye.... Those against No.

**THE SPEAKER:** I believe I only heard one "Aye". I will put the question once more. Those in favour please say Aye.... Those against No. The Ayes have it.

**AYES AND NOES.**

**AGREED BY MAJORITY: AT 10:10 A.M. THE HOUSE STOOD ADJOURNED UNTIL THE COMPLETION OF THE CONSIDERATION OF THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE FOR THE YEAR ENDED 31ST DECEMBER, 1993, AND THE APPROPRIATION BILL (1994) 1993, BY THE STANDING FINANCE COMMITTEE.**

**THURSDAY  
25TH NOVEMBER, 1993  
2:31 P.M.**

**THE SPEAKER:**  
Human Services.

Prayers by the Honourable Member responsible for Health and

**PRAYERS**

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

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.

**ANNOUNCEMENTS BY THE SPEAKER****APOLOGIES**

**THE SPEAKER:**

Please be seated.

Proceedings are resumed in the Legislative Assembly. I have an apology from the Honourable Second Official Member responsible for Legal Administration, who has returned from his tour of duty, but is not feeling well today.

Before we proceed there has to be a suspension of Stand Order 23(7), as it is after 11:00 a.m. This will be moved by the Honourable Member for Health and Human Services.

**QUESTIONS TO HONOURABLE MEMBERS****SUSPENSION OF STANDING ORDER 23 (7)**

**HON. W. McKEEVA BUSH:**

Madam Speaker, in order for questions to be taken after 11:00, it requires the suspension of Standing Order 23(7) and, accordingly, I so move.

**THE SPEAKER:**

The question is that Standing Order 23 (7) be suspended in order that questions can be dealt with after the hour of 11:00 a.m. Those in favour please say Aye....those against No....The Ayes have it.

**AGREED.**

**STANDING ORDER 23(7) SUSPENDED.**

**THE SPEAKER:**

Question No. 216, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**DEFERRED QUESTION NO. 216**

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

**No. 216:** When will Executive Council consider its sub-Committee's investigations into public concerns over Immigration matters?

**THE SPEAKER:**  
Affairs.

The Honourable Member responsible for Internal and External

**HON. J. LEMUEL HURLSTON:**

Madam Speaker, a number of recommendations, including

those of an Inspection Team, have been accepted by Government for implementation with a view to addressing some public concerns. A public statement will be made in the very near future about these.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member say if any of the recommendations, or findings, were considered of an urgent enough nature that it has brought about any changes already in the practices or procedures with Immigration?

**THE SPEAKER:** The Honourable First Official Member.

**HON. J. LEMUEL HURLSTON:** Not new recommendations, but there have been some changes which were implemented earlier in the year as a result of automation, computerisation and other system changes, but not as a result of the latest Initiative.

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member say if the public statement which he says will be made will contain the detailed areas that there will be changes in?

**THE SPEAKER:** That is a matter of anticipation. I think I will not allow that to be answered, Honourable Member. If there are no further supplementaries, the next question is No. 220, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTION NO. 220**

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES**

**No. 220:** If any money has been paid, to date, to the Hawley's estate for the purchase by Government of the land at Breakers for a Drug Rehabilitation Centre?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** The answer is yes. The agreed down payment of \$100,000 has been made. The House will understand that that payment and that transaction were not done through my Portfolio, but were done through the Lands and Survey Department.

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member say when the next payment will be made and the date that the first one was actually made?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, the remaining payments are to be made in semi-annual installments. As for the payment of the \$100,000, I do not have the date, that has not been submitted to me by the Lands and Survey Department.

**THE SPEAKER:** The next question is No. 221, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

**QUESTION NO. 221**

**THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES**

**No. 221:** What is the present status of plans or drawings for a new hospital on the present site, and what priorities have been identified by the task force?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** It is not intended to build a new hospital facility at the present site. The Review Committee, with input from all sections of the Hospital, has identified the following needs: In Phase I: A new Emergency Services Unit, a new Intensive Care Unit, a High Dependency Area for acute care cases and a Materials Management Building (Warehouse).

**SUPPLEMENTARIES:**

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member confirm to the House that in the process of renovation or extension no space or consideration is being given to adding more beds in the general ward?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, perhaps not in Phase I, but it is certainly under consideration.

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

**MR. GILBERT A. McLEAN:** Madam Speaker, could the Honourable Member say if it is not true that there is growing demand for hospital beds at this time, to the point that patients are having to be let out in minimum time so that they can provide rooms for incoming patients?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, if the House rightly recalls, the Member asking the supplementary question asked that question in a substantive question some time ago, and I explained to the House then what the position is. There is nobody being turned away for the want of a bed. In addition, the House will also understand from the substantive question, that the building of a new Intensive Care Unit will make way for more beds.

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:** Thank you, Madam Speaker. I wonder if the Honourable Member could say how many more beds the new Intensive Care Unit will make way for?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, everybody know that the Hospital has four beds in the Intensive Care Unit, and everybody also know that the high dependency area has in the region of eight beds. So, there will be 12 beds available.

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:** Madam Speaker, maybe I did not make myself clear. Since the Honourable Member spoke about both areas, would the Honourable Member say, how many beds will those two new facilities provide? That is what I am asking.

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, as I understand it, what has been proposed by the staff is an additional 12 beds for the two units.

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

**MR. GILBERT A. McLEAN:** Could the Honourable Member say what is the status of any plan or drawing for these new extensions, and if they will be available anywhere for viewing by the public?

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, when the plans are completed, certainly, the public, as usual, will be able to view those plans.

**THE SPEAKER:** The next question is No. 222, standing in the name of the First Elected Member for Bodden Town.

## QUESTION NO. 222

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

No. 222: To say whether the investigation into the missing funds at Northward Prison has been concluded.

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: The investigation by the Royal Cayman Islands Police has been completed and the file is currently with the Legal Department.

## SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if the investigation was limited to persons on the Island or did the investigation extend to jurisdictions other than the Cayman Islands?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: No, Madam Speaker, I cannot deny nor confirm that question.

THE SPEAKER: The next question is No. 223, standing in the name of the First Elected Member for Bodden Town.

## QUESTION NO. 223

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

No. 223: To say what posts at Northward Prison are currently being filled by civilian staff members.

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: The following posts at Her Majesty's Prison at Northward are filled by civilian staff, as follows:

- 1 Higher Executive Officer
- 1 Executive Officer
- 2 Clerical Officers
- 1 Chaplain
- 1 Teacher/Counsellor
- 1 Storekeeper
- 1 Official Driver
- 4 Assistant Cooks
- 1 Maintenance Foreman
- 1 Maintenance Assistant.

## SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say why, if the officers, for example the driver and foreman and maintenance assistant, are civilians, why do they wear regular Prison Officer's Uniforms?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Those persons are issued with uniforms purely from an identification and security standpoint.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if any scope exists for these civilian personnel to be brought into the main stream Prison Officer category and, if so, what are the channels open to them?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, it is unlikely that persons possessing the qualifications to engage in the duties associated with these positions are likely to, at the same time, meet the minimum qualifications for entry as Prison Officers.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Am I then to understand if, for example, someone in the maintenance or driver category wished to become a regular Prison Officer that they would be precluded from so doing?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, on the assumption that those persons possessed the necessary minimum entry level qualifications, there could be nothing to preclude them from being considered. My point was that it is unlikely. But, in the unlikely event that they do possess the minimum entry level qualifications, they would certainly be considered.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. May I then ask how would the minimum entry level qualifications of these posts differ from the minimum entry level qualifications for a Prison Officer recruited prior to the training and qualification?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, I am not in possession of the job descriptions for the various positions, therefore, I am unable to draw a detailed comparison with the qualifications required. But, I think it is generally accepted that persons working in maintenance, stores, driving and cooking capacities are generally not always expected to possess the same level of academic skill and qualification as are required for Prison Officers.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. May I then ask the Honourable Member, is there not a danger in the liabilities in that these officers are still exposed to the prisoners, yet do not have the training that the regular prison officers have? What is the obligation and the responsibilities of the Government in this regard?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, a number of persons working in security organisations have to be protected as part of the security of that institution. The Prison operates with a regime which includes different levels of security based on the requirements and those civilians working within the institution are not expected to have any training, save that which is required for the jobs that they do.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I wonder if the Honourable Member would be in a position to say which of the civilian staff are permanent or pensionable?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: I do not have the detailed breakdown of those categories, but I can state, for example, that persons holding positions of an executive and clerical nature would be permanent and pensionable.

THE SPEAKER: The next question is No. 224, standing in the name of the First Elected Member for Bodden Town.

## QUESTION NO. 224

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

No. 224: What is the amount of overtime paid to Prison staff from January until September, 1993?

THE SPEAKER:

The Honourable First Official Member.

HON. J. LEMUEL HURLSTON:

The following total overtime has been paid for the period January to September, 1993: (a) to uniformed staff - CI \$107,906.96; (b) to civilian staff - \$ 53,328.34; Total: \$161,235.30.

SUPPLEMENTARIES:

THE SPEAKER:

The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS:

Madam Speaker, I wonder if it is at all possible for the Honourable Member to give us a breakdown of the total overtime paid to the civilian staff?

THE SPEAKER:

The Honourable First Official Member.

HON. J. LEMUEL HURLSTON:

Madam Speaker, I do have access to some of that information, but it is not in a format that is readily read out in giving an answer. If the Honourable Member wishes, I could provide that to him in writing, and to the attention of the House for the record.

THE SPEAKER:

The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS:

Thank you, Madam Speaker. It was not my intention to name names, but I was simply trying to identify in what areas the service needed overtime. Maybe that will help.

THE SPEAKER:

The Honourable First Official Member.

HON. J. LEMUEL HURLSTON:

Yes, Madam Speaker, there are two primary areas necessitating overtime. In the administration section, the civilian staff engaged in payroll preparation and other office related duties are quite frequently required to work overtime. In fact, that is the smaller of the two. The largest consumer of overtime in the institution is that which is paid to Prison Officers for unexpected extra hours required of them in the line of duty.

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. Given that overtime paid to Prison staff has been a perennial source of concern, can the Honourable Member say how this compares to the figure paid over the last year, and the year before that?

THE SPEAKER:

The Honourable First Official Member.

HON. J. LEMUEL HURLSTON:

Madam Speaker, the total overtime paid for 1992 (the year before) was \$41,453.93 which was paid to executive and administrative staff. I am sorry, I do not have the total for the uniformed staff, that is just for the civilian.

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. Would the Honourable Member give an undertaking to provide these figures to the House at a subsequent date?

THE SPEAKER:

The Honourable First Official Member.

HON. J. LEMUEL HURLSTON:

With pleasure, Madam Speaker.

THE SPEAKER:

Thank you. That concludes Question Time. Suspension of Standing Orders. The Honourable Member for Health and Human Services.

#### SUSPENSION OF STANDING ORDER 14(3)

HON. W. McKEEVA BUSH:

Madam Speaker, today being Thursday, we would need to suspend Standing Orders to go into Government Business. Accordingly, I move the suspension of Standing Order 14(3) in order that Government Business will take precedence over Other Business today.

THE SPEAKER:

The question is that Standing Order 14 (3) be suspended. Those in favour please say Aye... those against No... The Ayes have it.

AGREED.

STANDING ORDER 14(3) SUSPENDED TO ENABLE ITEMS 4(i)(1) & (2) and 4(ii), BEING GOVERNMENT BUSINESS, TO TAKE PRECEDENCE OVER OTHER BUSINESS (PRIVATE MEMBERS' MOTIONS); IT BEING THURSDAY.

THE SPEAKER:

Standing Order 14(3) is accordingly suspended.

## GOVERNMENT BUSINESS

### BILLS

#### REPORT ON BILL

##### THE APPROPRIATION (1994) BILL, 1993

THE SPEAKER:

The Honourable Third Official Member.

HON. GEORGE A. McCARTHY:

Madam Speaker, I beg to report that a Bill entitled The Appropriation (1994) Bill, 1993, together with the Draft Estimates of Revenue and Expenditure for 1994, were considered by Finance Committee and approved without amendments. The House is accordingly being asked to proceed with the Third Reading of the Appropriation Bill forthwith.

### THIRD READING

##### THE APPROPRIATION (1994) BILL, 1993

CLERK:

The Appropriation (1994) Bill, 1993.

THE SPEAKER:

The Honourable Third Official Member.

HON. GEORGE A. McCARTHY:

Madam Speaker, I beg to move that a Bill entitled The Appropriation (1994) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER:

The Question is that a Bill entitled The Appropriation (1994) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye...those against No. The Ayes have it.

AGREED.

THE APPROPRIATION (1994) BILL, 1993 GIVEN A THIRD READING AND PASSED.

THE SPEAKER:

We now move to the next item, Government Motions. The Honourable Elected Member responsible for Education and Culture and Aviation.

## GOVERNMENT MOTIONS

### SUSPENSION OF STANDING ORDER 24(5)

HON. TRUMAN M. BODDEN:

Thank you, Madam Speaker. I beg to move the suspension of Standing Order 24(5), so that this Motion may now be taken.

THE SPEAKER:

Honourable Member, I think that is not necessary in view of the previous suspension for Government Business. You can proceed.

#### GOVERNMENT MOTION NO. 5/93

##### FUNDAMENTAL RIGHTS CLAUSE OF THE CONSTITUTION MOTION 4/93

HON. TRUMAN M. BODDEN:

Thank you, Madam Speaker. This Motion is one which I would like to read to Honourable Members:

WHEREAS:-

(1) Her Majesty's Government has raised concerns about the removal of the Fundamental Rights of Freedom of Conscience from the Constitution;

(2) There was some public concern that all the provisions of the Bill of Rights were very complex and needed more in-depth study;

(3) The United Kingdom's Fundamental Rights are the European Convention on Human Rights and the International Covenant on Human Rights which continue to apply to the Cayman Islands;

BE IT THEREFORE RESOLVED THAT this Honourable House recommends to Her Majesty's Government that the changes set forth in Government Motion No. 4/93, excluding Part IV A of the Cayman Islands (Constitution) Order, 1972, as amended (being the Fundamental Rights and duties of the individual), be brought into effect as soon as reasonably practicable by an amending United



Kingdom Order in Council by Her Majesty and that the said Part IV A be referred to a Select Committee of the Elected Members of this Honourable House for further study and that recommendations be made to Her Majesty's Government at the earliest possible date."

Madam Speaker, this motion is one which will increase the democratic rights of the public. It will give the public the right to look, in depth, at all of the fundamental rights and freedoms and all of the human rights. Very briefly, the history of it is that when the motion on the Constitution (Motion No. 4/93), came to the House what was excluded at that time was the Freedom of Conscience Right of the overall Fundamental Rights. What this Motion seeks to do is to remove all of the fundamental rights and to give the public, and Members of this Honourable House in Select Committee a right to look at them in depth. The Fundamental Rights in the Constitution are very complex and it was a request by several members of the public that they be looked at more in depth.

What is important is that the Fundamental Rights - the same ones that apply to the United Kingdom - will continue to apply to us, so there is no problem there that the Fundamental Rights that are internationally accepted and also accepted by the United Kingdom will be what will be applicable to us. While I appreciate that the Motion is brought on somewhat shorter notice than the original Motion, I would stress again that it is increasing the democratic process. In other words, we will be given more time to look at what is a very important but complex part of the Bill of Rights.

The balance of the Constitution will then be looked at by the United Kingdom and I believe that just about all of it will probably be passed because there are many other good parts in there that need to go through at an earlier stage than the time it will take to deal with this section which is, by and large, the longest section. In fact, this section is longer than the balance of the Constitution put together. So, it is increasing the democratic process. It is by no means taking anything away from it. Very sound human rights are already in place and they are the same as those of the United Kingdom.

**THE SPEAKER:** Before we proceed any further, the Clerk has just brought to my attention that the Motion was tabled on the 18th of November. Therefore, according to the new amendment made this year, we needed five clear days. I will ask the Member, before we proceed further, if he would move the suspension of Standing Orders, which he was attempting to do at first, so that we can rightly have this Motion before the House. The Honourable Member for Education.

#### SUSPENSION OF STANDING ORDER 24(5)

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker. I move the suspension of Standing Order 24(5) so that this Motion can be dealt with and taken.

**THE SPEAKER:** Accordingly, the question is that Standing Order 24(5), which deals with the time at which notice should be given for a Motion prior to consideration, be suspended so that Government Motion 5/93 may be dealt with at this time. Those in favour please say Aye...Those against No. The ayes have it. The Motion is accordingly before the House.

#### AGREED BY MAJORITY: STANDING ORDER 24(5) SUSPENDED TO ENABLE GOVERNMENT MOTION NO. 5/93 TO BE MOVED WITHOUT DUE NOTICE.

**THE SPEAKER:** Government Motion No. 5/93 is open for debate. The First Elected Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. The business of a Bill of Rights, as far as this Honourable House is concerned, and as is being discussed and debated in its present stage, had its genesis in a Motion which was brought to this House by this Member during the 1988/92 Parliament. My recollection is that the Motion had to be brought on two occasions and, even then, did not culminate in being passed by the House - being rejected both times by the Government. Subsequently, when the Constitutional Commissioners came, there were some significant representation about having a new Constitution or amendments to that Constitution prefaced by a Bill of Rights. Having established that, I am satisfied that a significant percentage of the Cayman Islands' population look forward to having the Constitution, or any amendments to that Constitution, prefaced by a Bill of Rights.

When there were problems - and there were problems on two occasions, as I recall - I had some concerns and misgivings as someone who was committed to the Cayman Islands having a prescribed Bill of Rights. While I have given the Member an undertaking to be cooperative I, nevertheless, will have to take advantage of this occasion to express my concerns regarding any delay. Certainly, the Bill of Rights will always raise questions and carry some controversy in some circles. That is to be expected, especially in our case in the Cayman Islands where, to the general public, the concept may be rather novel. That does not, however, lessen the obligation and the responsibility for us, as the elected representatives of the people, to see that a Bill of Rights is entrenched as expeditiously as is necessary. First of all, Madam Speaker, I would like to briefly explain what I understand is the function of a Bill of Rights.

A Bill of Rights enshrines in the Constitution of a country basic laws, rights and freedoms; freedom from arbitrary arrest; the guarantee of a fair and speedy trial; freedom from arbitrary confiscation of one's property. It so entrenches these rights and freedoms that they become binding on all three branches of Government - the Executive, the Judiciary and the Legislative branches. So, that is the major

implication and function of a Bill of Rights. Simply put, a Bill of Rights seeks to prevent Government's action in unduly restricting or breaching the fundamental rights of the individual.

Now, the argument has been raised in many circles that having a Bill of Rights entrenched, as we are seeking to do, is likely to end up in a proliferation of law suits and challenges by individuals against the State. If precedence is given cognisance, this is not likely to be the case. For example, in the United States, which I believe is one of the foremost countries having, not only an effective Bill of Rights, but an old Bill of Rights, there is no proliferation of such suits and challenges. So, I would go so far as to say that the fears of those people in our society who believe this may occur can be allayed by events in other countries and, while it is true that we still fall under the United Kingdom, who itself falls under the European Convention and certain international rights and Bills of Rights, nevertheless, it is wise and prudent for us to have our own.

So, in this regard, I pledge my commitment in the pursuit of an entrenched Bill of Rights for the Cayman Islands and I pledge my cooperation while, at the same time, recording my concern that delay may be dangerous and we should not seek to move so far ahead with the Constitution that we leave the Bill of Rights behind, because I see the Bill of Rights as an important and fundamental part of any Constitution. Whatever decision the House may take, I pledge to abide by that decision, while, at the same time, encouraging and admonishing the Honourable Members to give credence to the fact that all progressive, modern and civilised countries have their Constitutions prefaced with a Bill of Rights. It is from this Bill of Rights that the people derive much of their confidence and trust in the Government.

Thank you.

**THE SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. I know all of my colleagues have waited for this moment, and so have I. I rise to most strenuously object to the removal of the Bill of Rights from the Constitution that was drafted by the four Members of Executive Council. Perhaps one good thing that was put into that Draft Constitution of theirs was that they took, from the Constitution drafted for us by the United Kingdom, the Bill of Rights, and placed it in that Constitution. How can we forget, during the last election, prior to that, and during the presentation of their Constitution to this House, all the good things about the Bill of Rights? How can we forget all of the people and organisations that said they wanted a Bill of Rights? It was the one point on which everyone seemed to agree.

Madam Speaker, were I not a Caymanian who tries to keep up-to-date on political trends, and seeing the various things that the Government of the day will do, or attempt to do, I would be greatly surprised to see that the Government would say, "exclude from a new Constitution the Bill of Rights". I do not know about any great public outcry about the Bill of Rights being something bad for the country. I listened during the debate on the Constitution Motion a few months ago and heard some Members of this House state that it could be bad in some ways, others expressed fears that because there was no clause where you could discriminate against sex, that it may not be so good and there would be, perhaps, members of the same sex who would go to the extreme of wishing to be marital partners. Madam Speaker, they are all extremes and they are unfounded because we do not have a Bill of Rights and we would not know if these things could happen until such time as there was a Bill of Rights.

We hear about sending right messages and wrong messages, and the like. What kind of message does this country send when the first opportunity to place a Bill of Rights in a Constitution of these Islands is discarded? If we look back to the 1971 Constitution, whenever the report was made (I will not try to tie down specific dates), even then Legislators were asking for a Bill of Rights. It was not given at that time by the United Kingdom. But now, every single dependent territory in this region has a Bill of Rights, every one wants it. We sit here and talk about how it could be something bad for us - there could be litigation. Well, let them litigate. What stops the lawyers and the Courts now? Where there is litigation, or cause for it, there is litigation. So who are we, the elected representatives of the people, supposed to protect the people from? A Bill of Rights? You know, Madam Speaker, things have really gotten to the extreme in this country, really extreme.

I said, when I debated the Constitution brought here by the present Government, that on principle I would not support it and, certainly, I stand at this moment in time still saying that on principle I do not support it. But I made very clear what I found acceptable in it and, surely, the Bill of Rights was one. Back in September of this year, just a few months ago, when the Motion was being passed, there was the exclusion of the Freedom of Conscience section. Madam Speaker, that is considered to be one of the most important sections in any Bill of Rights in any country of the world. We are supposedly relying on the fact that England subscribes to the European Convention on Human Rights and so it applies to us. But we do not have any Legislation here as such, to enforce that because we do not have a Bill of Rights in our Constitution.

I recall the afternoon when there was a lot of fuss and hustle and bustle going on among the Government of the Day, its Members and its Backbench, when I was invited by the Elected Member for North Side to sit in at a meeting in the Conference Room when this question about the exclusion of this section was discussed. I had occasion to see, as shown to me by the Member for Education, the section in the European Convention on Human Rights, which deals with the Freedom of Conscience Clause. I saw, to the best my eyes could show me, that it was shorter than the section in the Bill of Rights which we were given. It was my clear belief that the intention which the Government had was to change one for the other, for I believe that the European Convention - without, perhaps, not spelling it out in so many words - covered, basically the same areas. When it was moved on the Floor it was to exclude this section. This section was excluded and if I, as one Legislator, have heard any concerns expressed, it was that the Government would consider excluding the section on the Freedom of Conscience.

Madam Speaker, I wonder if the Members of this House, in studying history, if they have not heard of the crimes against people because governments did not want to respect peoples' rights and freedoms of conscience? Now, supposedly, there is such concern that the Government wants to take out the Bill of Rights altogether and commit that to a Select Committee of the House.

From January 1991, until now, the question of the Bill of Rights and the various amendments to the Cayman Islands Constitution has been discussed, and has been before the people and any other parties who were interested in seeing it. In the Select Committee on the Constitution, we discussed at length the matter of the Bill of Rights. What is the purpose of discussing it further? Are we going to save the country from cults? What cults? How do you write a Bill of Rights that is going to save the people from cults? If there will be cults, there will be cults! I am convinced that just as easily as the Government, or successive Governments, can cause undesirable or unwanted persons to leave these shores - if they were someone not of this country attempting to start a cult - they would be removed. If it were one of our own who was becoming a cultist, they would be dealt with in the usual course of things being handled by the Government. That is not an excuse. The churches are afraid of a Bill of Rights? I wonder why? Christianity, as we know it, when it first came about, was looked upon as a cult by the then established religions. What are they talking about? Has no one studied European history and know about the atrocities carried on against the people in Europe because they were not of a particular religious conviction? One of the gravest things that has ever happened here in recent times, and there have been many drastic events, and I cannot forget that special word, "radical" - this has got to be the most radical of all - nationally disastrous and radical.

The "Caymanian Compass" on Monday 27th September, 1993, wrote an editorial about the removal of the section on Freedom of Conscience. I would just like to quote a brief section from it: "That Cayman's Legislators would protect the Cayman Islands from the potential mental and physical damage that can be caused by pseudo religious groups is laudable. On the other hand, perhaps the MLAs, with all their good intentions, went a little too far by deleting entirely the passage dealing with Freedom of Conscience from the Bill of Rights."

Madam Speaker, I wonder if tomorrow or the next day, or the next day, what they will say when they hear that the Bill of Rights, in its totality is to be excluded. I wonder what the media in this country, on a whole, are going to say about it? Because, really, if there has ever been an occasion when they should come to the rescue of the people - the people who understand the need for a Bill of Rights, and those who will not even understand fully what a Bill of Rights means for their protection - it is on this occasion.

What more can the people in this Legislature go into a Select Committee to say about a Bill of Rights that they propose to exclude? If the Government wishes to be so democratic over a Bill of Rights, finding something or some things wrong with that, what about the other parts of the constitution they have written and sent to the United Kingdom that they seem to wish to hasten through approval over there in the administering country? Why does that not come back to the Select Committee? That is not the question, Madam Speaker, the question is that the worst part of this Constitution is the Bill of Rights that needs to be recommitted to a Select Committee. What a dangerous society we live in, and what a dangerous administration.

Madam Speaker for the democratic process one wonders about that terminology for just a little while ago the Standing Order that was changed by the present Government to extend the period of time it takes before a Motion can be debated, was suspended - that is democracy. To rush through the deletion of a Bill of Rights from the constitution - that is democracy, it seems. The same Government that has changed the Standing Orders so that if this Legislative Assembly should be in any session for two months, three months, and things of greatest importance come up, you cannot move a motion during the Meeting of a Session unless you suspend Standing Orders. I would not even dream, should I see something seriously wrong, that I would attempt to move the suspension of Standing Orders, because that would be quite impossible, it would receive no support.

This Motion speaks about "Her Majesty's Government has raised concerns about the removal of the Fundamental Right of Freedom of Conscience from the Constitution." I wonder seriously if the Government did not believe the United Kingdom Government would. I wonder if they did not know that England, whether they believe it or not, has to answer to the United Nations, and the least the United Nations would do is to say, "Mr. United Kingdom Government, how could you possibly go along with a request to you to put in a piece of the Bill of Rights and exclude the freedom of conscience?" What could have been expected except that England would question this situation? I do not know what the concerns were. What were the concerns? Were they properly chastised? Were they told that either that section has to go back in or no constitution? I do not know - no one has said. No one will say, I am sure.

If the United Kingdom raised concerns over the Bill of Rights, I wonder if they also raised concerns over the changing of their Ministerial system, as is proposed by this Government? What is the story on that? If there are concerns from the United Kingdom Government, those concerns in their entirety should be known to all the Members of this House. It does not work that way. I am not sure that the concerns are even told to the faithful Backbenchers of this Government Executive. But I believe there were serious concerns and certainly I will not be a party to assisting this Government to delete from the Constitution they have written which comprised various parts of the Commissioner's Report and the British Government's Constitution which included the Bill of Rights. I certainly will not assist them in their efforts here.

If, by taking out a Bill of Rights, they have been told by the United Kingdom Government, "just take that out, and say you are looking at it further", I do not know. I am not saying that they told them that. I suspect it was more likely to have said, "Gentlemen, if there is going to be a Bill of Rights, there is going to be a Bill of Rights". But if, to exclude that, it is their hope that this fifth seat that they keep talking about will be brought into effect, and all the other requests, I will not be assisting them in that situation.

Every other Member of this House can do so, I will not be a party to it. I will not be a party to any situation in this country where any Government, at any time, would play with a Bill of Rights and freedoms of the people of this country and seeing this, what is now occurring, gives me even more strength to believe that I could never be a party to such a thing.

This Motion, Madam Speaker, should not be before this House asking for such a thing. Those persons who can see this country having a new constitution or new constitutional change to the exclusion of a Bill of Rights, are indeed quite singular and apart. I do not believe that the people of this country can be comforted by this Motion here today, and if it makes certain creatures or churches happy, I wonder about those too. With every Bill of Rights, in every country of the civilised world, everyone knows that certain litigation may arise, but that is why we have the courts of law. Let them decide. As a Legislator, I can but recognise the proven need internationally and throughout the ages, for a Bill of Rights and stand firmly for the entrenchment of one in the Constitution of the Cayman Islands.

Therefore, Madam Speaker, again I object most strenuously to this Motion and I do not support the Motion before the House.

THE SPEAKER:

The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH:

Madam Speaker, I can support this Motion. I can support it because I do not think that there is any big thing that is wrong with what the Government is doing. Of course, listening to the last speaker, who has always portrayed this Government as the worst in the world, he would do no better today. We are not removing the Bill of Rights in the Constitution. The Member made it very clear indeed, and it could only be somebody who does not understand or a person who just likes to confuse the issues, who would say otherwise.

Let me state, first off, that this Constitution was not drafted by Executive Council without input. It was drafted, and all Members I would say, except three, but including the First Elected Member for Bodden Town, had input into that Constitution. That is no secret. I do not believe that the First Elected Member for Bodden Town, nor the Second, or, perhaps, the Fourth Elected Member for George Town, had any input into the drafting. But, of course, in the interim period they were all made aware of this subject matter. The Member, who just finished speaking, said, "How can we [the National Team] forget how we said so many good things about the Bill of Rights". Let us put this in the right perspective. There were at least two motions prior to the Constitution - I believe I am correct in saying two motions - to give this country a Bill of Rights prior to the Constitution in 1990, the one that caused so much upheaval in this country, the one that the Second Elected Member for Cayman Brac and Little Cayman supported with a Chief Minister system - that one. Prior to that, there were at least, if I recall rightly, two motions dealing with it. At all times I stood at my place supporting a Bill of Rights but telling the House what I thought were the draw backs. As I have often put it, there is no Bill of Rights without a bill of wrongs.

When we came to the bidding on the Constitution here recently, the amendment to the Constitution, I, again, spoke about my doubts on the need for it. The truth is, being a territory of the United Kingdom, we are already party to the European Convention on Human Rights and that is no different from what we have in the amending motion called a Bill of Rights. It is not new, the European Convention on Human Rights has been there for years, and years, and years.

Now, when the motion brought by Government a few months back was being debated, a Member stood and raised questions on the matter of conscience and the public at large. Members in this House can say that the public at large wants a Bill of Rights - perhaps, just because of the phraseology - a "Bill of Rights" - but it is nothing new, we already have it. Maybe it is good to plant it in the Constitution and say to the world we have one. But the fact is that the Cayman Islands are already party to a charter of Human Rights, or a Bill of Rights, whatever you want to call it. Now, a few months ago, in September I believe it was, in that meeting when the matter of conscience came up the Second Elected Member for Cayman Brac and Little Cayman was invited - as he rightly said. During that debate he made it very clear that he was supporting the Bill of Rights while not supporting the amendments to the Constitution. He was invited to a meeting, and at that meeting he agreed with every Member of this House to remove that section of the Constitution dealing with conscience.

#### POINT OF ORDER

MR. GILBERT A. McLEAN:

On a Point of Order, Madam Speaker.

THE SPEAKER:

May I hear the Point of Order?

MR. GILBERT A. McLEAN:

The Member is misleading the House as he is giving the impression that I agreed to the removal of that section dealing with conscience to the exclusion of inserting any other section in its place, and I explained, just moments ago, that it was my clear understanding that the section in the European Declaration of Human Rights would be inserted in its place.

HON. W. McKEEVA BUSH:

Madam Speaker, let me say to this Honourable House... I am sorry.

THE SPEAKER:

I am afraid that there appears to be some misunderstanding and I, myself, am not very clear on what the Member did say about that particular part. So, can we continue and I am

just asking everyone to be clear of their facts. If you are not certain what another Member said, just avoid any confusion in the future. Thank you, very much.

**HON. W. McKEEVA BUSH:**

Madam Speaker, I am absolutely certain of what that Member raised in that meeting. All the other Elected Members of this Honourable House will rightly recall what the Member agreed to and what he did not agree to. I, in no way, shape, or form, recall anything at that time of any other suggestion. There was only one suggestion at that meeting and that suggestion, as I recall, came from myself which was, Look, let us remove the Bill of Rights out of the Constitution and bring it back at a later date. If Members rightly recall I said we could pass a law bringing in the Bill of Rights or it could form part of the Constitution later on. That, if Members want to correctly recall, was the situation. But, he agreed with everybody at that time to remove the matter dealing with conscience. But, of course, he has found what he believes is a whipping horse. Get up and pontificate about this matter now like the Government is doing something drastically wrong!

Madam Speaker, the Member went on in a vein of debate as if to say what is wrong with these cults and why we should be afraid of cults, and all other matters of religion, or Christianity being thought something greatly wrong years ago. That was the gist of his argument. But, I am one that will do anything if we can keep cults out of this country. One does not have to look far - he is talking about years ago. I believe what he was talking about was how Christians were persecuted in the early days, but we do not have to look far to remember cults and the damage they do to people. We remember the one in Texas, that was glared across the television. That is not a long time ago. Do we remember the one with Jim Jones in Guyana? Throughout this world there are cults upon cults, and I am not, in any shape or form, going to do anything - whether the Second Elected Member for Cayman Brac and Little Cayman gets up and makes a big speech about it or not. While I am a Member of the Executive Council or a Member of this House, I am not going to agree to anything that would give anybody any sort of leverage to get a foothold in this country.

One of the biggest problems with our country today is that we have copied too much of what is going on out there in the big bad old world today. Do not ask about what television has done to this country. That is one of the things that has caused the departure from the life in these Islands as we know it. The truth is that people do not read as much any more, children do not read as much as I used to have to read when I was in school and even after I left school, to bring themselves up to date. Progress is good. But there are issues, there are matters in this world which will never be good for this country or our children. Not all progress is good. So, when it comes to certain types of religion, and certain types of cults, or cults period, I am against it. I find that we have too much in this country today that is not good for us, that has caused us a departure from the life as we knew it in this country. I wish I had more time, Madam Speaker.

Now let me say, Madam Speaker, that he made mention about a change in Standing Orders. The Member should not confuse the House or the listening public. We changed the time when motions could be put while the House was sitting. All that has happened is that motions have to now be put before the House begins its meeting. So no Member is deprived of their privilege to place motions on an Order Paper. My God, Madam Speaker, we have set down on this Order Paper for this afternoon five motions and, on top of that, our Standing Orders still give any Member of this House the privilege to bring a motion during any Meeting or any Sitting to deal with a matter needing urgent attention. So, no Member is deprived of their right to bring a matter for urgent attention to this House. But, surely, any Member thinking about a Motion, to place a motion for debate of any substance would need time in any event to do his research. So, this helps the ordinary Member of the House that he must be prepared when he comes to the House, rather than just getting up throughout the sitting and saying he is going to put a motion immediately on the Floor of the House, that is, motions of substance.

Members still have the prerogative to suspend any Standing Orders, as the House is well aware. At this sitting, at 2:30, we suspended Standing Orders to allow questions to be put on, so that that Member could ask questions. Yet he is complaining because we suspend to move a Motion of substance dealing with the Constitution - one that has already been advertised and talked about. So, the Member is talking to hear himself talk.

In closing, the issue for this House to consider is this: Since they want a Bill of Rights to say they have a Bill of Rights, we must remember that the United Kingdom is party to the European Convention on Human Rights and that Convention has applied all these years and still applies today to these Cayman Islands. So we are not left open. If we need all this protection we have always had it there. It is not as if this Government is taking away the right of anybody or any group of persons. The next thing that they must remember is that all the Members of Executive are asking them to do is put the matter into a Select Committee where they can fully discuss it and where the views of the public can be sought, since he claimed it is such an important issue. Why not? If it is all that important, why not give the public a chance to come in and have their say?

I think the Member for Education is doing the right thing and I certainly support this Motion going to a Select Committee.

Thank you.

**THE 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 to Government Motion No. 5/93. I see nothing wrong with the request for, at this stage, excluding the Bill of Rights from the Constitution and placing it in a Select Committee where we will have more time and the members of the public will have more time to deal with it and ask questions, voice their concerns and be satisfied that those concerns are addressed and when the Bill of Rights finally comes into existence we are sure then that we have an Instrument which we are all comfortable with.

There is not one Member of this House, including those with a legal background, that can say that they fully understand all of the ramifications and all of the provisions that were included in that proposed Bill of Rights that was sent to us by the British Government. I am one of those Members who just because something is sent down from the outside - because there is a certain mentality in this country that anything from the outside must be from an expert and it must be in our best interest - I believe that we have to be very careful with anything that we propose to support that will affect this country and its people.

The Second Elected Member for Cayman Brac and Little Cayman gave the impression that the Government and its Back Bench were attempting to exclude a Bill of Rights from the Constitution. Nothing could be further from the facts. That is not the situation at all. All we are saying, and it has been recommended by the British Government, is, "Gentlemen and ladies, take a little bit more time and look at all of the provisions of the Bill of Rights before proceeding", and that is what we are prepared to do, Madam Speaker.

There must be experts in this area who can be brought in to sit in that Select Committee and advise us on the different provisions of that Bill of Rights. This is exactly what we intend to do, commission someone to come in and advise us properly. There are other legal brains in this country which can also offer their contribution in this very important matter. I believe this is the way forward for us to go, because I, for one, want to be very confident that when we finish the amendments to the Constitution, and we enshrine a Bill of Rights therein, that we have a document and an Instrument that will be able to serve us for a very long time, and not something that, because we did not pay sufficient attention to it opens up the flood gates for all kinds of different negative influences to be brought into this country.

The issue of the right of conscience was raised by certain members of our constituencies as a concern. They were concerned about the idea of the ability of cults coming in here and their being protected by the Bill of Rights. In other words, anybody here in this country would be in a position where they could say, regardless of whether or not it is a cult, "I am exercising my human rights and my personal rights to worship in whatever form and worship the way I feel like worshipping". The Honourable Member for Health and Human Services did mention a few of those incidents that have taken place over the years relating to cults. So, I do not believe that we are trying to mislead the country or that we are trying to deprive the people of this country of any basic rights. The only thing that we are attempting to do, and this has been our goal and objective all along as a Government, is to make sure that whatever we bring to this House, and that we support, is in the best interest of this country. So, Madam Speaker, I support this Motion.

**THE SPEAKER:**

If no other Member wishes to speak, I shall call upon the Mover of the Motion. The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I am very happy to know that, with the exception of, apparently, one Member, this Motion, which increases the democratic process, is being accepted. Madam Speaker, I tried on this Motion, as well as the previous Motion on the Constitution, I got together with all of the Elected Members of this Honourable House because Motions such as the Constitution have to be where you put politics aside. Motions such as that have to be above politics. As all Honourable Members of this House know, we did meet for the first one, and before this Motion, and we went through it with all Members.

The Motion itself is really a Motion that is not doing what the Opposition Member, the Second Elected Member for Cayman Brac and Little Cayman, has tried to state. There is no attempt to reduce down any Bill of Rights. He knows very well, notwithstanding the politics wrapped into his comments, that our Constitutional position on a Bill of Rights is exactly the same as the United Kingdom's. So, if he criticises the European Convention on Human Rights, and the International Covenant on Human Rights, then he is criticising not only the United Kingdom, which relies only on that, but also many other European Countries which have adhered to that convention.

The process under those conventions is the same for us as it is for the United Kingdom, France, or any other European country. It is no different. So, it is a misrepresentation to say that it is necessary to have local legislation to enforce these Bills of Rights. That is not so. These Bills of Rights are in place, they have stood the test of time and they are adhered to by all of the major powers of the world.

Some countries, more recently, do have their own Bill of Rights. There is no attempt here not to ultimately have a Bill of Rights, but the Second Elected Member for Cayman Brac and Little Cayman does know that the Motion itself, after the discussions on the Constitution itself, the main Motion No. 4/93, not this one, was passed unanimously. The concern that the United Kingdom raised was basically a concern that we were asking to put through a part of the Bill of Rights without the other part and they would prefer to put through a full Bill of Rights, rather than deal with it the way we had dealt with it.

All of this long political speech that has been made about litigation, and all sorts of things, trying to frighten the people of this country, I do not know where the Member got it. But any sensible person or sensible lawyer knows that even if this Legislature were to pass a law that contravened the European Convention of Human Rights, that the Governor would simply not assent to it. The United Kingdom would not let this country break its international obligations. So, there is no worry whatsoever. This is the whole reason for the stability of a Crown Colony as against full internal self-government that that Opposition Member has been pushing throughout the years. There is simply not the power in this House to pass laws and have them assented to if it is in breach of the international obligations of the Colony.

It is nonsense for anybody to stand here, whether we pass a Bill of Rights or not, when the laws are passed in this House they do not come into effect until the Governor assents to them and, indeed, even after the assenting, the United Kingdom Government, under the Constitution, has a power of disallowance. So, basically, there is no way in the world that all of these scare tactics that that Member has tried

to produce could even think about coming into effect in a Colony. That is why we are so stable. The day we move away from being the type of Crown Colony in the stage we are, to where you get extensive powers in the hands of politicians, especially those who try to scare the public, that is when the United Kingdom will make sure that the advancement carries with it a Bill of Rights. Because, it is put there then to stop power crazy, power hungry, chief ministers, prime ministers, whatever they wish to call themselves, from exercising these powers.

So the stage of the Constitution that we are at and which remains by nearly the unanimous approval of the public is, indeed, one that can never produce the effects of the scary political debate of the Second Elected Member for Cayman Brac and Little Cayman. I had hoped with the meeting of Members, and, indeed, I know, and the Second Elected Member for Cayman Brac and Little Cayman knows, in our four years in the Legislature, we were not even able, many times, to talk to the Government much less sit down in full sessions like we have done from time to time, not just on this but on other matters. I think that that is good. But, I think that the Honourable Member has to understand that the democratic process is one whereby the views of the majority, after they have been decided in this House, will carry in the vote.

To the best of my knowledge, the Second Elected Member for Cayman Brac and Little Cayman, when we put the first Motion dealing with the Constitution, excluding the Freedom of Conscience part of it from the Mental Right of Conscience, did not vote against the Motion. As I remember, it was passed unanimously. A lot was said on the suspension of Standing Orders and the Honourable Member for Health and Human Services spoke on this. But, what is good for the goose is good for the gander. Every morning the Second Elected Member for Cayman Brac and Little Cayman requests, or acquiesces, in our suspending Standing Orders so that he can go on asking questions. It is as simple as that. Literally, every day of the Legislative Assembly we suspend Standing Orders so that he can ask questions, he or the First Elected Member for Bodden Town. We have done it on many occasions in here. So suspension of Standing Orders, when it is correct to do so, and it is always correct to do so when it increases the democratic right, it also gives that Member the right to ask further questions in a democratic atmosphere. Similarly with this Motion here, it increases the democratic rights of the people and they have the right to look at a very complex and difficult part of the Constitution that needs further study.

The position is that the one single opposing Member to the Motion who has spoken, really is just trying to make political mileage and it is unfortunate that that Member is doing so on a matter so important...

#### POINT OF ORDER

MR. GILBERT A. McLEAN: Madam Speaker, on Point of Order.

THE SPEAKER: May I hear the Point of Order?

MR. GILBERT A. McLEAN: Madam Speaker, *Erskine May*: 'The Imputation of False or Unavowed Motives.' Madam Speaker he has been talking about me for the past 10 or 15 minutes, from everything that I am requesting the House to suspend Standing Orders for me to ask questions which is, in section 3 of that, "uttering a deliberate falsehood", for example. Madam Speaker, on those two counts I would ask that you take a Point of Order. May I just address you on one other point as well, please?

THE SPEAKER: Sure.

MR. GILBERT A. McLEAN: On page 382, a Member is not allowed to use unparliamentary words for the device of putting them in somebody else's mouth. He has been putting a lot of words in my mouth, Madam Speaker.

THE SPEAKER: Honourable Member, the Member for Education, in presenting his winding up of the Debate, did not say that you were seeking the suspension of Standing Orders, he implied that suspension of Standing Orders has been used so that Members could rightly ask questions, because the imputation is that the time for asking question has expired. I cannot agree that that is a Point of Order, that you have been asking for the suspension of Standing Orders. The request for the suspension of Standing Orders usually comes from the Presiding Officer and a Member of Government moves the suspension, which is put to the vote and agreed on in most cases, and carried and whoever had questions, normally the persons asking the questions have been the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town, with an occasional question from other people. So that is not a Point of Order, Honourable Member.

Member for Education, would you continue?

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.

THE SPEAKER: May I ask you to continue with the portions of the Motion rather than what any Member may have said at this time? Please deal with that.

#### CONTINUATION OF DEBATE

HON. TRUMAN M. BODDEN: Madam Speaker, I was not going to comment on that at all, I accept your ruling. I would really just like to wind this up by saying that the Motion here is obviously one that the

Members of this Honourable House, with the exception of the Second Elected Member for Cayman Brac and Little Cayman, regard as important, as above politics and fundamental to the people of this country. It is unfortunate that this Motion, like the previous Motion, could not have passed unanimously, but I have really done all that I can. I have invited that Member in, and we had some discussion there. Hopefully this may have put to rest some of the worries that that Opposition Member had.

In summary, it does not mean that we are removing a Bill of Rights. It exists, it goes on the same as it does in the United Kingdom and, by all means, to merely give time on this specific part of the Constitution, for us to look at it in depth, study it and to get it as best and as right as we can prior to making the recommendation to the United Kingdom. So, I would ask Honourable Members to please vote for it.

Thank you.

THE SPEAKER: The question is that Government Motion 5/93 be approved. I shall put the question. Those in favour please say Aye....those against No. The ayes have it. Government Motion 5/93 is duly passed.

MR. GILBERT A. McLEAN: Madam Speaker, could we have a division?

THE SPEAKER: You certainly may.  
Madam Clerk.

CLERK: DIVISION NO. 12/93

Ayes: 11

Noes: 1

Hon. J. Lemuel Hurlston  
Hon. George A. McCarthy  
Hon. W. McKeever Bush  
Hon. John B. McLean  
Hon. Truman M. Bodden  
Mr. John D. Jefferson, Jr.  
Mr. D. Kurt Tibbetts  
Captain Mabry Kirkconnell  
Mr. Roy Bodden  
Mr. Anthony S. Eden  
Mrs. Edna M. Moyle

Mr. Gilbert A. McLean

#### ABSENT:

Hon. Richard Coles  
Hon. Thomas C. Jefferson  
Mr. Dalmain Ebanks  
Dr. Stevenson Tomlinson  
Mrs. Berna Thompson Murphy  
Mr. G. Haig Bodden

THE SPEAKER: The result of the Division is 11 Ayes, and one No. Government Motion No. 5/93 has been duly passed.

THE SPEAKER: The result of the Division is 11 Ayes, and one No. Government Motion No. 5/93 has been duly passed.

AGREED BY MAJORITY: GOVERNMENT MOTION NO. 5/93 PASSED.

THE SPEAKER: May I ask for the Motion for adjournment until 11:00 tomorrow morning? Honourable Member for Health and Human Services.

#### ADJOURNMENT

HON. W. McKEEVER BUSH: Madam Speaker, I move that this Honourable House be adjourned until 11:00 o'clock Friday Morning.

THE SPEAKER: The question is that the House do stand adjourned until 11:00 o'clock Friday morning. Those in favour please say Aye....those against No....The Ayes have it.

AT 4:28 P.M. THE HOUSE STOOD ADJOURNED UNTIL 11:00 A.M. FRIDAY, 26TH NOVEMBER, 1993.

**FRIDAY  
26TH NOVEMBER, 1993  
12:25 P.M.**

**THE SPEAKER:**

prayers.

The Assembly is in Session.

I will ask the First Elected Member for Bodden Town to say

**PRAYERS**

**MR. ROY BODDEN:**

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

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

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.

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.

**ANNOUNCEMENTS BY THE SPEAKER**

**THE SPEAKER:**  
Assembly.

Please be seated. Proceedings are resumed in the Legislative

Assembly. I apologise to Members for the long delay, but I expect that they know the reason why. First of all, I have an apology from the Honourable First Official Member who is having discussions with the Advance Team from Buckingham Palace and who will also, from 29th November through 3rd December, 1993, be on vacation. I also observe that the Honourable Second Official Member is absent, I presume he is still not feeling well. The Third Elected Member for George Town has also extended her apologies for her absence.

Continuing with the Orders for today. Questions to Honourable Members. The Honourable Elected Member for Health and Human Services.

**QUESTIONS TO HONOURABLE MEMBERS**

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

**HON. W. McKEEVA BUSH:**

11:00 A.M., I move the suspension of Standing Order 23(7).

Madam Speaker, in order for questions to be answered after

**THE SPEAKER:**

order that questions may be dealt with at this time past 11:00 A.M. Those in favour please say Aye.... Those against No...The Ayes have it.

**AGREED.**

**STANDING ORDER 23(7) SUSPENDED.**

**THE SPEAKER:**

Proceeding to Questions, the first is No. 225, standing in the name of the First Elected Member for Bodden Town.

**QUESTION NO. 225**

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 225:** What procedures have been instituted to improve the communication between the various education sectors and institutions since he took office?

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker. The Portfolio has tried in the first place to improve communication between itself, the Department of Education, and the Schools. We have done this through a series of meetings and visits to the schools where we have met in round table discussions with the staff. We have held several planning meetings which included representatives from the different levels. We have recently involved the Principals of the schools and Education Department's Headquarters staff in a one day seminar dealing with strategic planning. We intend to fully involve the various sectors of the education system in planning for the future and developing a detailed and costed Education Development Plan. The Portfolio regularly receives minutes of the schools' staff meetings and other reports dealing with educational matters. In my opinion the Portfolio is kept fully briefed on what is going on in the school system.

I believe that the recent Education Conference, which will be an annual event, has contributed significantly to the ongoing process of communication. The Portfolio has received many comments from teachers on the usefulness of the Conference and the appropriateness of its format.

**SUPPLEMENTARY:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if these efforts are extended to the private schools as well, or if they are exclusively only for the State schools?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, in some of these areas of communication we have included private schools. One of the examples I would give is in the Education Conference, we had very good representation from private schools there. Another instance was in relation to the changing of the five year high school that had been proposed back into two high schools - a junior high and a senior high. That was attended by all of the executives of all private schools. As the Member know, all, except, I think, one person, voted unanimously to have two high schools. These are just two examples of this. But, over and beyond that, if there are any problems in the private schools, communication takes place there on a regular basis, and as the need arises.

**THE SPEAKER:** If there is no further supplementary, the next question is No. 226, standing in the name of The First Elected Member for Bodden Town.

#### QUESTION NO. 226

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 226:** To state the Education Department's strategy to deal with the educational problems as outlined in *The New Caymanian* of Friday, October 22nd - Thursday, October 28th, 1993.

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, I visited the John Gray High School on Monday, 1st November, 1993, and met with the Upper Sixth Form and the Director of Sixth Form Studies. The students told me that some of their concerns had been misrepresented by the press. However, they took the opportunity to speak out on issues which they felt affected their studies and their school life. A report of this meeting has been sent to the Principal and the Chief Education Officer. It is expected that the newly elected School Council for the academic year 1993/94, which includes two lower sixth representatives, as well as a Head Boy and Head Girl from the upper sixth, will air these and other concerns with the Administrative Staff so that any necessary action will be effected. Student representatives from the sixth form were invited to attend Education Council when the schools' drug policy was discussed and they made a valuable contribution. The Portfolio will also include representation in all major policy discussions planned for the implementation of the Education Plan, for example, in the discussion on the National Curriculum.

**SUPPLEMENTARY:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say how often the School Council will be meeting, for example, for an academic year, and will it be a body that makes recommendations and, if so, to whom will these recommendations be forwarded?

**THE SPEAKER:** The Honourable Member for Education and Culture and

Aviation.

**HON. TRUMAN M. BODDEN:** The number of times that the Council meets will be up to the students. Normally the process is that representations be made to the Principal, and through him can come on to the Chief Education Officer, the Principal Secretary, to myself, or all of us.

**THE SPEAKER:** The next question is No. 227, standing in the name of The First Elected Member for Bodden Town.

#### QUESTION NO. 227

**THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION**

**No. 227:** To say what is the total number of students in the Cayman Islands who are: (i) hearing impaired; and (ii) visually impaired.

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, ten students have been identified as being hearing impaired. Six students have been placed in the unit for the hearing impaired attached to the George Town Primary School and four students are currently enrolled at the John Gray High School. A total of four students have been identified as being visually impaired. Two students are currently placed in the unit for the visually impaired attached to the George Town Primary School. Two students attend the George Hicks High School.

**SUPPLEMENTARIES:**

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if the programme of studies for these students differs significantly from the programme of studies for children who are classed as normal? Also, at the High School level, what might be some of the subjects that these students are exposed to?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, I understand that all of the students are mainstreamed and in class with the other students.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. Can the Honourable Member say if the number of the children in these categories has increased over, for example, the last two years, or is the number remaining constant?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, there have been some increases as children are medically identified within one of these categories, then they are added into the unit.

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

**MR. ROY BODDEN:** Thank you, Madam Speaker. I do not know if the Honourable Member is in a position to answer this question, so if he cannot I will understand. I wonder if there is any follow-up done after these students have left, for example, the High School, to determine how they are integrated into the mainstream society in terms of employment, etcetera?

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, the Principal at the Lighthouse School follows up afterwards on the students and, I think, two days a week (Mondays and Wednesdays) there are programmes at the hospital for them.

**THE SPEAKER:** If there is no further supplementary, that concludes Question Time for today. We next proceed to Government Business. Bills, suspension of Standing Order 46(1). The

Honourable Elected Member for Health and Human Services.

**SUSPENSION OF STANDING ORDERS 46(1)**

**HON. W. McKEEVA BUSH:** Madam Speaker, I move the suspension of Standing Order 46(1), so that we can get on with other Government Business.

**THE SPEAKER:** The question is that Standing Order 46(1) be suspended in order that Bills, which have not been in the hands of Members, as stated by that Standing Order, be dealt with. I shall put the question. Those in favour please say Aye.... Those against No....The Ayes have it.

**AGREED. STANDING ORDER 46(1) SUSPENDED.**

**GOVERNMENT BUSINESS**

**BILLS**

**FIRST READING**

**THE TRAVEL TAX (AMENDMENT) BILL, 1993**

**CLERK:** The Travel Tax (Amendment) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading.

**THE PORT AUTHORITY (AMENDMENT) BILL, 1993**

**CLERK:** The Port Authority (Amendment) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading.

**THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993**

**CLERK:** The Banks and Trust Companies (Amendment) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading.

**THE FIREARMS (AMENDMENT) BILL, 1993**

**CLERK:** The Firearms (Amendment) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading.

**THE LOAN (CAPITAL PROJECTS) BILL, 1993**

**CLERK:** The Loan (Capital Projects) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading.

**THE STAMP DUTY (AMENDMENT) BILL, 1993**

**CLERK:** The Stamp Duty (Amendment) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading.

**THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993**

**CLERK:** The Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set

down for Second Reading.

**THE REGISTERED LAND (AMENDMENT) BILL, 1993**

**CLERK:** The Registered Land (Amendment) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading.

**THE COMPANIES (AMENDMENT) (NO. 3) BILL, 1993**

**CLERK:** The Companies (Amendment) (No.3) Bill, 1993.

**THE SPEAKER:** The Bill is deemed to have been given a First Reading and set down for Second Reading. Bills, Second Readings.

**SECOND READINGS**

**THE TRAVEL TAX (AMENDMENT) BILL, 1993**

**CLERK:** The Travel Tax (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, this Bill, A Bill for a Law to Amend the Travel Tax Law, 1976, as the House can understand, should have been brought by the Honourable Member for Tourism, Environment and Planning. In his absence, I have been asked to move these two Bills.

Madam Speaker, in an effort to increase Government's revenue from cruise ships, and bring the level of fees more in line with the service that is being provided, negotiations have been held between the Portfolio of Tourism and the Florida Caribbean Cruise Association which have resulted in an agreement to increase travel tax paid by cruise ship passengers from \$5 to \$6. Also, an amendment has been circulated to be proposed in Committee to increase the departure tax at the airport from \$6 to \$8. Accordingly, I ask Members to agree on these short amendments.

**THE SPEAKER:** The question is that a Bill entitled the Travel Tax (Amendment) Bill, 1993, be given a Second Reading. The Motion is open for debate. The Elected Member for North Side.

**MRS. EDNA M. MOYLE:** Madam Speaker, on the Notice of the Amendment and the sections to be amended, I do not see how we can omit \$6 and substitute \$8. I have gone through the Travel Tax Law, 1976, and I can find no section where the travel tax was increased to \$6, other than where it appears in the Law in 1985 to increase the travel tax with subparagraph (b), not subparagraph (a). Also, in the Notice of Amendment, subsection 2, the Amendment to the Travel Tax Law 1976, specified in paragraph (g), in my humble opinion, this should be as specified in paragraph (b).

Should these problems be corrected, I have no problem in supporting this amendment, but we need to look at the subparagraph (a) by omitting \$6, as this does not appear in any amendment of subsection (a).

Thank you, Madam Speaker.

**THE SPEAKER:** If there is no further debate, will the Mover of the Bill exercise his right of reply?

**HON. W. McKEEVA BUSH:** Madam Speaker, just merely to say that the matter the Member raised can be dealt with in the Committee stage on the Bill, and by that time the Member responsible, The Member for Tourism, Environment and Planning, should be back to the Legislature and will deal more effectively with it. Thank you, Madam Speaker.

**THE SPEAKER:** The question is that a Bill entitled the Travel Tax (Amendment) Bill, 1993, be given a Second Reading. I shall put the question. Those in favour please say Aye.... Those against No....The Ayes have it.

**AGREED. THE TRAVEL TAX (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.**

**THE PORT AUTHORITY (AMENDMENT) BILL, 1993**

**CLERK:** The Port Authority (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Elected Member for Health and Human

Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, this Bill also falls under the responsibility of the Honourable Member responsible for Tourism, Environment and Planning. A request was made by the Port Authority for the vesting of the Tourist Landing Facilities at Spotts and the George Town new Landing Facilities in the Port Authority. This short Bill amends the Port Authority Law to give effect to that vesting. Accordingly, I ask Members to support the amendment.

**THE SPEAKER:** The question is that a Bill entitled The Port Authority (Amendment) Bill 1993, be given 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 support for the amendment to the Port Authority Law to enable the Port Authority to acquire control over the Spotts Landing because this has been one of the arguments all along, as far as the Port Authority is concerned, with respect to ships landing in Spotts - that the landing there was not under their authority, so they did not have any control. With this amendment the Port Authority will have control over that area and, hopefully, this site will then be used much more frequently with respect to the landing of cruise ships in this country.

I also support the idea of the new landing at Hog Sty Bay coming under the control of the Port Authority because I believe that it is important, if the Authority is going to be responsible for these passengers and these cruise ships, that they be in a position where they control the landings that are used by these ships and these passengers. So I do support these amendments and I do believe it is a step in the right direction. Thank you.

**THE SPEAKER:** If there is no further debate, would the Honourable Member wish to reply? In that case, I shall put the question that a Bill entitled the Port Authority (Amendment) Bill, 1993, be given a Second Reading. Those in favour please say Aye.... Those against No....The Ayes have it.

**AGREED. THE PORT AUTHORITY (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.**

**THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993**

**CLERK:** The Banks and Trust Companies (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Third Official Member.

**HON. GEORGE A. MCCARTHY:** Madam Speaker, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Banks and Trust Companies Law, 1989. Madam Speaker, I have the pleasure to introduce to this Honourable House this Bill for a Law to Amend the Banks and Trust Company Law, 1989. The vast majority of the amendments, as Members will have observed, contained within the Bill are deemed necessary to improve upon the original drafting of the Law where experience has exposed minor ambiguities which can usefully be removed, and to clarify certain of the ongoing requirements that Banks and Trust Companies must observe. These do not, in any way, amount to any changes of particular significance.

The only substantive change concerns section 13 of the Law which deals with the disclosure of information regarding Banks and Trust Companies by the Inspector of Financial Services. Principally this has proved necessary if the Cayman Islands are to continue to comply with the international standards of supervision which have been agreed through the auspices of the Basal Committee of Banking Supervision. If Honourable Members will permit me, I shall attempt to briefly provide some background on the Basal Committee. This Committee was set up in 1974 in response to various international banking disruptions at that time. The aims of the Committee can be described as:

- (1) to enhance the scope and effectiveness of supervisory techniques for international banking activities;
- (2) studying and making recommendations in specific areas of prudential concern in international banking; and
- (3) facilitating the exchange of information among bank supervisors so as to upgrade the quality of international bank supervision.

The 12 countries represented on the Committee are those from the group of the 10 major industrial countries, Switzerland, and Luxemburg. Thus a Committee can be thought of as an international supervisory "think tank" whose recommendations are increasingly being adopted worldwide. The creation in 1979 of the Biannual International Conference of Bank Supervisors has encouraged the creation of various regional groupings, such as the offshore group of supervisors, of which Cayman is a prominent member.

Links between the groups and the Basal Committee have helped disseminate the recommendations it has produced over the years. No country, which professes to be well regulated can afford to ignore the recommendations of Basal Committees. As I am sure Honourable Members will appreciate, the Cayman Islands takes great pride in its sound supervisory practice which is one of the reasons for our thriving banking sector. Internationally, Cayman is seen to have a well regulated banking sector precisely because of its willingness to embrace the fundamental principles of banking supervision which the Committee has

recommended. Recent papers produced by the Basal Committee have focused on the issue of exchange of information between bank supervisors around the world. This has partly surfaced in the aftermath of the collapse of the Bank of Credit and Commerce International.

In particular, the Basal Committee has concluded that when supervisors have concerns over particular institutions they should be able to discuss those concerns with other supervisors of the same international banking group. The revisions to section 13 of the law are specifically designed to enable the Cayman Islands to continue to observe the standards recommended by the Basal Committee. Currently the Inspector of Financial Services may only disclose information of a general nature about a licensed bank and only with the consent of the Bank concerned. This falls well short of the recommendations set out in the Basal Committee. The amended section 13 would enable the Inspector of Financial Services, at her discretion, to disclose information about licensed banks to other overseas supervisors to enable the latter to undertake their supervisory responsibilities. In particular, to assist in their consolidated supervision of the banking group which controls a licensed Cayman Bank.

However, to safeguard this information, the Bill provides for there being adequate legal restrictions on further disclosure by the receiving supervisor and it is confined, in the case of information relating to individual customers, solely to information relating to credit exposures to assist in the consolidated supervision of the banking groups' large exposures to individuals or connected borrowers.

In conclusion, I would like to assure this Honourable House that this amending Bill has been reviewed by and has the support of the Private Sector Consultative Committee. As a consequence, the Government is satisfied that the amendment to section 13 is vital to safeguarding Cayman's reputation of having a soundly supervised international banking industry and does not fundamentally undermine the confidentiality provisions prevailing in Cayman, which have also contributed to our success as a financial centre.

Honourable House.

Madam Speaker, I commend this amending Bill to this

**THE SPEAKER:** The question is that a Bill entitled the Banks and Trust Companies (Amendment) Bill, 1993, be given a Second Reading. It is 1:00, the usual time when proceedings are suspended. I propose to suspend proceedings until 2:30, and the debate can then take place on the Motion.

The House is accordingly suspended until 2:30 P.M..

**PROCEEDINGS SUSPENDED AT 1:00 P.M.**

**PROCEEDINGS RESUMED AT 2:34 P.M.**

**THE SPEAKER:**

Please be seated.

The debate on the Second Reading of the Banks and Trust Companies (Amendment Bill), 1993. The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Madam Speaker, when you reach the Firearms (Amendment) Bill, 1993, in the absence of the Honourable Attorney General, I have been asked to move that in his absence.

**THE SPEAKER:** Yes, I will do that when I get to that. We are dealing with the Second Reading debate of the Banks and Trust Companies (Amendment) Bill, 1993. I just stated that.

Would any Honourable Member wish to debate the Bill? If there is no debate, would the Honourable Third Official Member wish to add to what he said at the introduction of the Bill?

**HON. GEORGE A. MCCARTHY:** Madam Speaker, I would not wish to add any further comments at this time other than to thank Honourable Members for their support. Thank you.

**THE SPEAKER:** The question is that a Bill entitled The Banks and Trust Companies (Amendment) Bill, 1993 be given a Second Reading. Those in favour please say Aye.... Those against No....The Ayes have it.

**AGREED. THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.**

**THE FIREARMS (AMENDMENT) BILL, 1993**

**CLERK:** The Firearms (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker. In the absence of the Honourable Second Official Member, I beg to move the Second Reading of a Bill for a Law to Amend the Firearms Law (Revised).



## THE SPEAKER:

Will you speak thereto, Honourable Member?

## HON. TRUMAN M. BODDEN:

Thank you, Madam Speaker. This Bill is one that will be the first of several other Bills to deal with crime in the Cayman Islands. There have been several incidents in which firearms have been used in the furtherance of the commission of serious crimes, including murder, manslaughter, robbery and burglaries, also wounding. This Law will go a long way to increase the penalties under the Firearms Law itself, which was first passed in 1964, for which the penalties are extremely small.

The first amendment is to section 3 of the present Firearms Law (Revised). It is very important, and very short, and I would just like to read it:

"3. A person must not import into or export from the Islands a firearm except under and in accordance with the terms of a Firearms Import Permit or a Firearms Export Permit, as the case may be."

The penalty on that is, "Fine not exceeding \$100,000 or imprisonment for a term not exceeding 20 years or both."

The next section is one in which a similar penalty is placed on a traveller who disembarks and when referred by a Customs Officer to make a declaration whether he has any firearm in his possession or control, and the failure of making that declaration is, once again, \$100,000, or a term not exceeding 20 years or both. Hereafter, the increases in penalties go in relation to section 5 which deals with a traveller who is importing, and the sentence is the same. The next section deals with section 10, which is restriction on the delivery of firearms, and for that is a lesser amount of \$20,000 or five years.

The next amendment deals with a Gunsmith Licence Holder and offences in relation to that and they are \$5,000 or five years. From there, the next section that deals with the amendment is one that relates to special restrictions on shortening firearms and converting imitation firearms into real firearms. There the penalty has been increased from \$100 or six months, to \$100,000 or 20 years, or both.

The next section relates to records and returns and is more of a minor section. That carries a lesser penalty there. It has been increased from \$200, to \$10,000. That carries no imprisonment. Then we come on to one of the more common offences, which is possession and use of firearms. These are dealing with the subsections of section 15. It is under these sections that most people would normally be charged. The penalty there has been increased from \$200 or nine months, to \$100,000 or 20 years, or both.

There are further amendments to the restrictions on carrying a firearm in public, and also a further section which relates to areas that a proclamation may be made restricting firearms within certain areas. That has also been increased, but to a lesser extent - \$50,000 or 10 years.

The next section, section 18, that has been amended is restrictions relating to the discharge and carriage of firearms. This has been amended in several places, and amended in subsections 3 and 6. Perhaps the most important section there, one that will be used often, is the amendment to subsection 6 as found in section 13(b) of this Law. It says:

"(6) A person who has with him a firearm or imitation firearm with intent to commit an offence, or to resist arrest or to prevent the arrest of another person, in either case while he has the firearm or imitation firearm with him, is guilty of an offence and liable on conviction to a fine not exceeding \$100,000 or to imprisonment for a term not exceeding 20 years or to both."

There is half that penalty on a person who, without lawful authority or reasonable excuse, has a loaded firearm in a public place. There is a further subsection that deals with having a firearm when entering a building, or part of a building, as a trespasser. There are further amendments, but lesser ones, relating to section 27 dealing with amendment of licences, section 28 which deals with revocation of licences; and section 32 which deals with the power of a constable to require production of a licence. Lastly section 36 which deals with custody of firearms.

Madam Speaker, this Bill is meant to send a very strong message to people who use firearms unlawfully and especially people who use firearms unlawfully in the furtherance of a criminal offence such as shooting in robberies, or even the use of the firearm in the robbery, whether it is fired or not, in instances of burglaries - as we know robbery is going and taking something from a person, and burglary is really committing any criminal offence within the precincts of a house.

There have been, within recent times, several serious incidents where firearms have been used and this Law is meant to send a clear message to people who use them that if they are in breach of this Law they are going to face a very, very heavy penalty, whether it is the importation, or the use in furtherance of a criminal offence. The Bill amends a Law whose penalties are really out of date. It is, in my view, a good Bill, one that will go a long way towards reducing crime in an area such as this.

Thank you.

## THE SPEAKER:

The question is that a Bill entitled The Firearms (Amendment) Bill, 1993, be given a Second Reading. The Motion is open for debate.

The Fourth Elected Member for George Town.

## MR. D. KURT TIBBETTS:

Thank you, Madam Speaker. I rise to give my support to this Bill. The Mover outlined the various intentions by the proposed amendments. I noticed that in section 18(6) the amendment even covers a person who has with him an imitation firearm with intent to commit an offence. That proves how specific the amendments are intended to be.

I would just like to make one observation in my support of this Bill. Even though one might argue that the onus is on the public to keep up-to-date with amendments to laws, I think it is incumbent upon the Government to ensure that at obvious points of entry to the country, namely the airports, that there are adequate notices posted for travellers who may be ignorant of certain facts regarding our laws, especially this new amendment that is proposed. I do not think it happens everyday, but I would not like to see ignorance cost a person 20 years imprisonment, or something of that nature. Locally, I do not know exactly which avenues would suit this best, but I think it would be becoming of Government if they would use whatever obvious channels they have to ensure that the public is educated with regard to these new amendments because there are very serious consequences for breaches of the law in the future.

Once again, I voice my support of the Motion. Thank you.

## THE SPEAKER:

The Second Elected Member for Bodden Town.

## MR. ANTHONY S. EDEN:

Thank you, Madam Speaker. I, too, rise to support this amendment to the Firearms Law (Revised). I think it is a timely piece of legislation, in view of the public's abhorrence of crime, especially the violent crimes which have been taking place on these Islands recently.

As most of us here are aware, some legislation like this was recently passed through the United States Senate and Congress - the passage of The Brady Bill - where they were so very concerned that just about anyone could go and purchase a firearm which could be used in the committing of a crime. Under that Bill, people now have to wait five days before being able to do this. So, I think that this is one point and one stage that is good for letting the public know that we mean business, especially when guns are utilised in effecting robberies and other crimes.

I give my full support to this Bill.

## THE SPEAKER:

The First Elected Member for Bodden Town.

## MR. ROY BODDEN:

Thank you, Madam Speaker. Bills such as this cross the dividing line between the traditional Government and Opposition, and usually receive unanimous support. It strikes me that this Bill is no different. For many years now, we, in the Cayman Islands, have been very much concerned with the increase in criminal offences in which firearms were used. So, it is appropriate, relevant, and timely that we move now to address this situation.

In many countries of the world there are serious restrictions placed on firearms and on firearm ownership. From my own experience living in Canada, a country where the laws governing firearms are strict but not overly strict, there is a restriction placed on handguns. I am going to ask the Mover, if this restriction is not already covered in this Bill, if it could be included at some subsequent stage that there be an absolute restriction against the purchase of any handguns or any weapons which can be converted to automatic weapons. The reason for this is that not only are firearms themselves dangerous, but when the firearm has a propensity and the capacity to be converted from manual to automatic operation it becomes even more dangerous. So, from my experience in Canada, it was impossible and against the law for a purchaser of any weapon to try to convert that weapon from manual operation to a semiautomatic or automatic operation. There is great merit in this, and this is something that we should be on guard for.

The possession of handguns, even more so than the possession of shotguns, is to be viewed with the utmost seriousness because it is possible for people to conceal handguns very easily for use in situations where people might not normally get away with using a shotgun, or even a rifle for that matter. So we in the Cayman Islands are moving to keep abreast of what is going on internationally and my colleague mentioned the Brady Bill in the United States. In the United States, their society is structured differently and, thank heaven, we do not have the same philosophy in these Islands as they have governing the ownership and use of handguns.

President Clinton, through large scale lobbying, has made it possible for the Brady Bill to be passed. That is bound to have some positive effect on us here, because it now means that anyone going into a gun shop in the United States to purchase a handgun does not get that gun immediately but has to wait five days until the relevant and necessary background checks can be made on the person to determine if they have any criminal record, or if they are in a stable mental state.

I think the Government must be commended because we here in the Cayman Islands bear certain susceptibilities that may not necessarily be so in the case of the United States. For instance, we are highly dependent upon tourism as a source of income for the running of our country and Governmental infrastructure. So, if we let these kinds of offences get out of hand and if we let firearm users terrorise our country and our community, we will stand to lose not only the lives of people taken by firearms, but also the livelihood of those of us who will be fortunate enough to survive and remain.

I give this Bill my wholehearted support, and I suppose it is only necessary to point out that, in the usual cut and thrust of Parliamentary debate, my support of this Bill goes towards creating a balance because, inevitably, there will be some things that the Government brings that I cannot support. However, I commend them on this Bill and would like them to know that it has my wholehearted support.

Thank you.

## THE SPEAKER:

The Third Elected Member for West Bay.

## MR. JOHN D. JEFFERSON, JR:

Thank you, Madam Speaker. I rise to offer my support of a Bill for a Law to Amend the Firearms Law (Revised). I welcome this legislation because recently we have had too many

incidents where a firearm was used in a crime in this country. I think we need to send the right message to the criminal element out there who would continue to use a firearm in this way.

Madam Speaker, a fact that really concerns me is that I was told by a very reliable source that in this country today one can have available for themselves any type of firearm. This frightens me because if that is the case and we are unaware of that, criminal elements will continue to resort to firearms in carrying out crimes, even the crime of murder. So, I think we need to start cleaning up the environment. We need to send a very strong message to those persons who would be reckless enough to have in their possession an illegal and unlicensed firearm, especially when they use that firearm to commit a crime in this country.

I agree with the sentences, where the normal sentence recommended in the case of a guilty party is a \$100,000 fine and a minimum of 20 years of imprisonment. I trust that that is not only 20 years imprisonment, but 20 years imprisonment without parole. We, in this country, depend upon our reputation as a clean, safe environment and we must take whatever measures are necessary to see to it that we continue to enjoy that type of environment here in the Cayman Islands. So, I do commend the Government for bringing this Bill, and it does have my full support.

Thank you, Madam Speaker.

**THE SPEAKER:**

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 the Bill which is before the House, a Bill to Amend the Firearms Law (Revised). As previous speakers have said, in recent times there have been many terrible crimes of armed robbery and the like within the Island of Grand Cayman. We all are extremely concerned, as Legislators, that our people are being subjected to this environment. It is my hope that the increase of these fines will put a stop to this, that guilty parties will be convicted, serve their time in prison, pay the necessary fines and make the Cayman Islands, once again, the country that we can all be proud to live in.

I hope that as soon as this Law is assented to, that it will be given full publicity in the press and that everyone will know that we mean business and we want to rid the Cayman Islands of these unnecessary firearms.

So, Madam Speaker, I give it my full support. Thank you.

**THE SPEAKER:**

Is there is no further debate, would the Honourable Mover wish to exercise his right to reply?

If there is no further debate, would the Honourable Mover wish to exercise his right to reply?

**HON. TRUMAN M. BODDEN:**

Thank you, Madam Speaker. I would like to thank Honourable Members for their support of this Bill. I would like to deal with a few of the concerns raised on it. One was raised by the Fourth Elected Member for George Town and he queried why the Law had in it the same penalty for... it seems that I may not have heard that fully correctly, but let me just say this, the penalty that all of these sections have are maximum penalties. The Judge will exercise his discretion within it. I would think that if a person, for example, had a fairly powerful semi-automatic gun, that it would probably be looked at differently from someone that had either a converted or imitation gun.

The First Elected Member for Bodden Town raised a very good point and in the quick time that I have been able to look at this it appears that in section 21, subsection 3 of the present Law, there is a provision that says, "No licence or permit shall be granted in relation to any prohibited firearm or to any restricted person except with the prior approval of the Governor." A prohibited firearm is defined in section 2 as meaning, "any artillery, machine gun, submachine gun, automatic rifle or any weapon of whatsoever description or design adapted for the discharge of any noxious liquid or gas." Perhaps this definition will have to be looked at a bit more carefully, at least for future amendments. But it would seem that if it were a fully automatic weapon, and it talks about an automatic rifle but not necessarily an automatic pistol, but the definition is quite wide, and whether it would fall within those other areas of the definition, I am not sure. I think it would take someone a bit more expert than me, perhaps the Third Elected Member for Bodden Town who has been in the army and who could identify the difference in guns. But, if it is not covered, the point is very good and I think we should cover the fully automatic weapon, rather than just an automatic rifle under that section. On further checking this, if that is the position, then I think we can take the amendment, subject to the wishes of Members of the House, maybe at the second stage.

There is a difference, I guess, between the semi-automatic in which it has to be cranked once before it becomes automatic, as against a totally automatic weapon which once loaded is automatic. But, in any event, I do not think, at least never during my nine years in Executive Council, was there ever a licence approved for a prohibited weapon. I believe that would have to remain that way unless there was a very good reason. There was only one exception to it, which would really not apply to us. The subsection does not apply to the grant to any restricted person of a firearm disposal permit. But that seems to be to get rid of the prohibited weapon.

The Law itself will go a long way, I believe, to curbing the crime that we have here. While crime is less than what one would find in a big city, it is still very alarming and Members of this House take it seriously. This is one of several steps or measures that the public will see coming towards dealing with a reduction in crime.

Once again, I thank Members, very much.

**THE SPEAKER:**

The question is that a Bill entitled the Firearms (Amendment)

Bill, 1993, be given a Second Reading. I shall put the question. Those in favour please say Aye.... Those against No...The Ayes have it.

**AGREED. THE FIREARMS (AMENDMENT) BILL, 1993 GIVEN A SECOND READING.**

**THE LOAN (CAPITAL PROJECTS) BILL, 1993**

**CLERK:**

The Loan (Capital Projects) Bill, 1993.

**THE SPEAKER:**

The Honourable Third Official Member.

**HON. GEORGE A. MCCARTHY:**

Madam Speaker, I beg to move the Second Reading of a Bill for a Law to Authorise the Borrowing of up to \$8,130,171 for the financing of specified Capital Projects. Madam Speaker, as mentioned during the Budget Address, the Government's Capital Expenditure Programme for 1994 will amount to \$20,247,855. It was further pointed out that these programmes, if deferred, would adversely impact on the country's ongoing infrastructural needs and requirements.

It was also pointed out that while \$11,117,684 will be taken from local revenue and applied for funding part of the Capital Expenditure requirements, the remaining balance of \$9,130,171 would have to be raised through loan financing. There is, at this time, a balance of \$1 million yet to be drawn down against a loan raised in 1990 from the Royal Bank of Canada. This loan was approved by the Government in 1990 for the carrying out of improvements to our medical facilities.

After taking account of the availability of this \$1 million, the net amount that the Government will need to raise by way of loan financing, and for which this Bill is being presented as part of the budget financing process, is \$8,130,171.

Honourable House.

Accordingly, Madam Speaker, I commend this Bill to this

**THE SPEAKER:**

The question is that a Bill entitled the Loan (Capital Projects) Bill, 1993, be given a Second Reading. The Motion is open for debate.

The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:**

Madam Speaker, suffice it to say, the Honourable Financial Secretary, in his usual efficient style, has put a programme together properly and I simply venture for a few seconds to say that I give this Bill my full support.

**THE SPEAKER:**

If there is no further debate, would the Honourable Third Official Member wish to add anything further to his presentation?

**HON. GEORGE A. MCCARTHY:**

Madam Speaker, only to thank the Fourth Elected Member for George Town, and all Honourable Members for their support.

**THE SPEAKER:**

The question is that a Bill entitled the Loan (Capital Projects) Bill, 1993, be given a Second Reading. I shall put the question. Those in favour please say Aye.... Those against No...The Ayes have it.

**AGREED. THE LOAN (CAPITAL PROJECTS) BILL, 1993 GIVEN A SECOND READING.**

**THE STAMP DUTY (AMENDMENT) BILL, 1993**

**CLERK:**

The Stamp Duty (Amendment) Bill, 1993.

**THE SPEAKER:**

The Honourable Third Official Member.

**HON. GEORGE A. MCCARTHY:**

Madam Speaker, I rise to move the Second Reading of a Bill entitled A Bill for a Law to Amend the Stamp Duty Law, 1973. This Bill, which is designed to amend the Stamp Duty Law, in effect proposes certain reductions on the ad valorem Stamp Duty payable from 10%, where applicable, to 7 1/2% and to widen the investigatory powers of the Commissioner to also clarify the time limits within which documents should be presented for stamping or adjudication and to extend and strengthen their statutory penal provisions.

There are various sections being amended. Commencing with section 5, the amendment that is being proposed to this section will assist the Commissioner in enforcing the Law by enabling him to require persons to supply information, produce documents and hold enquiries, administer oaths and make orders as to cost.

The amendment to section 18 of the principal law requires all instrument, except for those to be stamped with ad valorem stamp duty, to be stamped at the time of execution. Transfers and assignments are to be stamped within 45 days of signature by the transferee or assignor, as the case may be. All of the instruments falling within the new definition of conveyance or transfer are to be stamped within 45 days of their effective date.

An obligation is imposed on the transferee, or assignee, to

ensure that the relevant instrument is properly executed and filed for registration and stamp duty paid on it. The amendment to section 26 of the Law, makes it an offence not to comply with the requirements under section 18.

Under section 27, the amendment that is being proposed increases and simplifies the penalties payable under that section. The amendment to the schedule abolishes the 10% rate of stamp duty payable, reducing it to 7 1/2%, and amends the definition of Memorandum of Agreements, Assignments and Conveyance or Transfer on sale in the Schedule to the principal Law. Purchasers of real estate on instalment terms are offered the option of paying ad valorem duty on the agreement on the acquisition price.

The various amendments that are being looked at today have been discussed to a great extent with the President of the Real Estate Brokers Association, who has also consulted with the Members of the Association's Governing Committee. Changes proposed by the Committee through its President have been recognised through the appropriate amendments. Honourable Members will take note that there are further amendments, as advised earlier, to be made when this Bill goes to Committee stage. Accordingly, Madam Speaker, I commend the Bill to this Honourable House.

**THE SPEAKER:** The question is that a Bill entitled The Stamp Duty (Amendment) Bill, 1993, be given 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 support to this Bill. This is in keeping with some of our campaign promises, in that we promised the people that we would look at reducing the Stamp Duty on transactions of \$250,000 and over, from 10% to 7 1/2%, where it was before. That move by the previous Government literally killed the real estate market in this country. I believe with this move now we will see some activity in this area and investors will be a little keener in investing here and also getting on with some projects that are badly needed in this country, especially in the area of construction which is one of the areas where we still have a high percentage of unemployment, as far as our Caymanian people are concerned. So, I do welcome this amendment and I give it my full support.

**THE SPEAKER:** If there is no further debate, would the Honourable Third Official Member like to reply?

**HON. GEORGE A. McCARTHY:** Madam Speaker, I would like to thank the Third Elected Member for West Bay, and all other Honourable Members for their support to this amending Bill.

**THE SPEAKER:** The question is that a Bill entitled The Stamp Duty (Amendment) Bill, 1993 be given a Second Reading. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE STAMP DUTY (AMENDMENT) BILL, 1993 GIVEN A SECOND READING.**

#### THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993

**CLERK:** The Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** Madam Speaker, I rise to move the Second Reading of a Bill for a Law to amend the Land Holding Companies Share Transfer Tax Law. This Bill is intended to make minor amendments to the Land Holding Companies Share Transfer Tax Law. These amendments are being necessitated as a consequence of the amendments to the Stamp Duty Law. At present the Law applies to land holding companies included in the definition of corporation. This definition does not include, at the moment, partnerships. This amendment will therefore take on board this omission. The Bill also repeals subsections 4, 5, 6, 7, and 8 of section 3, which are being made redundant as a result of the amendment to this rate of duty.

I commend this Bill to this Honourable House.

**THE SPEAKER:** The question is that a Bill entitled the Land Holding Companies Share Tax (Amendment) Bill, 1993, be given a Second Reading. The Motion is open for debate. If there is no debate, does the Honourable Member have anything further to add? Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** No further comments, Madam Speaker, other than to thank Honourable Members.

**THE SPEAKER:** The question is that a Bill entitled the Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993, be given a Second Reading. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993 GIVEN A SECOND READING.**

#### THE REGISTERED LAND (AMENDMENT) BILL, 1993

**CLERK:** The Registered Land (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** Madam Speaker, I rise to move the Second Reading of a Bill for a Law to amend the Registered Land Law (Revised). This amending Bill to the Registered Land Law (Revised), arises again as a result of the amendments to the Stamp Duty Law (Revised). Essentially, this amendment will prescribe a period of 45 days from the first signing of a land transfer instrument for that instrument to be registered. Failure to register within the prescribed period will attract a late registration fee equivalent to the original registration fee for each period of 45 days subsequent to the date of signing.

I commend this Bill to this Honourable House.

**THE SPEAKER:** The question is that a Bill entitled The Registered Land (Amendment) Bill, 1993, be given a Second Reading. The Motion is open for debate. If there is no debate, would the Honourable Third Official Member wish to add any further comments?

**HON. GEORGE A. McCARTHY:** I have no further comments, Madam Speaker, other than to thank Honourable Members.

**THE SPEAKER:** The question is that a Bill entitled The Registered Land (Amendment) Bill, 1993, be given a Second Reading. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE REGISTERED LAND (AMENDMENT) BILL, 1993 GIVEN A SECOND READING.**

#### THE COMPANIES (AMENDMENT) (NO. 3) BILL, 1993

**CLERK:** The Companies (Amendment) (No. 3) Bill, 1993.

**THE SPEAKER:** The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** Madam Speaker, I beg to move the Second Reading of a Bill entitled the Companies (Amendment) (No. 3) Bill, 1993. This amending Bill will make a few minor amendments to the Companies Law (Revised) in order to remedy technical problems which recently have developed. The amendments will also allow limited liability companies to provide that a certain class of shares or guaranty carries unlimited liabilities. Provision is also made for the automatic appointment of the liquidator's commencement of the winding up and dissolution of the limited duration companies. The amendment will also ensure that the limited duration companies registered under the Companies Law (Revised) may continue to benefit from the tax treatments previously available in the United States of America.

The amendments will thereby ensure that the Cayman Islands will continue to provide a secure and favourable legal framework for the registration and operation of companies. Accordingly, I commend the Bill to this Honourable House.

**THE SPEAKER:** The question is that a Bill entitled The Companies (Amendment) (No. 3) Bill, 1993, be given a Second Reading. The Motion is open for debate. If there is no debate, Honourable Third Official Member would you wish to comment further?

**HON. GEORGE A. McCARTHY:** I have no further comments, Madam Speaker, other than to thank Honourable Members for their support to this amending Bill.

**THE SPEAKER:** The question is that a Bill entitled The Companies (Amendment) (No. 3) Bill, 1993, be given a Second Reading. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE COMPANIES (AMENDMENT) (NO. 3) BILL, 1993 GIVEN A SECOND READING.**

**THE SPEAKER:** The House will now go into Committee to consider nine Bills.

#### HOUSE IN COMMITTEE AT 3:32 P.M.

#### COMMITTEE ON BILLS

**THE CHAIRMAN:** Please be seated. The House is now in Committee. The first Bill is The Travel Tax

(Amendment) Bill, 1993.

The Clerk will read the Clauses.

#### THE TRAVEL TAX (AMENDMENT) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Commencement.

THE CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

HON. W. McKEEVA BUSH: Madam Chairman, are we dealing with the Travel Tax (Amendment) Bill?

THE CHAIRMAN: Yes.

HON. W. McKEEVA BUSH: There is an amendment before the Committee on that one...

THE CHAIRMAN: Yes, but I have just done clauses 1 and 2. The Clerk will now call clause 3 to which the amendment refers.

CLERK: Clause 3. Section 4 amended.

THE CHAIRMAN: Honourable Member, you may now present the amendment to clause 3.

HON. W. McKEEVA BUSH: Yes, Madam Chairman. I move under Standing Order 52 that the Bill be amended in section 4, clause 3 by omitting \$6.00 and substituting \$8.00; and (b), by omitting \$5.00 and substituting \$6.00.

THE CHAIRMAN: Do you wish to say anything further on that?

HON. W. McKEEVA BUSH: No, Ma'am, I think I quite explained myself.

THE CHAIRMAN: The question is that clause 3 be amended as circulated, and clause 3 would now read:

"3. Section 4 of the Travel Tax Law, 1976 is amended —

(a) by omitting "six dollars" and substituting "\$8.00"; and

(b) by omitting "\$5.00" and substituting "\$6.00".

MRS. EDNA M. MOYLE: Madam Speaker, if I may, I think we are amending clauses 2 and 3. One section is coming into effect 1st January and one 1st of April, if you notice, the way it is drafted.

HON. W. McKEEVA BUSH: Clauses 2 and 3 of the Bill will be replaced with the following amendments.

THE CHAIRMAN: Thank you for that, because there had been two amendments circulated. Accordingly, clause 1 has duly been passed, and we need to revert to clause 2, which is amended by adding:

"2. (1) Subject to subsection (2), this Law shall commence on 1st January, 1994.

(2) The amendment to the Travel Tax Law, 1976, specified in paragraph (b) of section 3 shall commence on 1st April, 1994."

Have Members got this amendment before them? Clause 3 is amended as I previously read out. If there is no debate, can I put the question that clauses 2 and 3, as amended, do stand part of the Bill? Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 2 AND 3 AS AMENDED PASSED.

CLERK: A Bill for a Law to Amend the Travel Tax Law, 1976.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. TITLE PASSED.

### THE PORT AUTHORITY (AMENDMENT) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Schedule amended.

THE CHAIRMAN: The question is that clauses 1 and 2 stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to Amend the Port Authority Law.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. TITLE PASSED.

### THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Interpretation.  
Clause 3. Section 5 amended.  
Clause 4. Section 6 amended.  
Clause 5. Section 7 repealed and replaced.  
Clause 6. Section 13 repealed and replaced.  
Clause 7. Section 14 amended.

THE CHAIRMAN: The question is that clauses 1 through 7 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 THROUGH 7 PASSED.

CLERK: A Bill for a Law to Amend the Banks and Trust Companies Law, 1989.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. TITLE PASSED.

### THE FIREARMS (AMENDMENT) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Section 3 repealed and replaced.  
Clause 3. Section 4 amended.  
Clause 4. Section 5 amended.  
Clause 5. Section 8 amended.  
Clause 6. Section 10 amended.  
Clause 7. Section 11 amended.  
Clause 8. Section 12 amended.  
Clause 9. Section 14 amended.  
Clause 10. Section 15 amended.  
Clause 11. Section 16 amended.  
Clause 12. Section 17 amended.  
Clause 13. Section 18 amended.  
Clause 14. Section 27 amended.  
Clause 15. Section 28 amended.  
Clause 16. Section 32 amended.  
Clause 17. Section 36 amended.

THE CHAIRMAN: The question is that clauses 1 through 17 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 THROUGH 17 PASSED.

CLERK: A Bill for a Law to Amend the Firearms Law (Revised).

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. TITLE PASSED.

THE LOAN (CAPITAL PROJECTS) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Power to Borrow  
Clause 3. Appropriation of loan to specified purposes.  
Clause 4. Principal and Interest of loan.

THE CHAIRMAN: The question is that clauses 1 through 4 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 THROUGH 4 PASSED.

CLERK: Schedule.

THE CHAIRMAN: The question is that the Schedule do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. SCHEDULE PASSED.

CLERK: A Bill for a Law to Authorise the Borrowing of up to Cl \$9,130,171 for the Financing of Specified Projects.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. TITLE PASSED.

THE STAMP DUTY (AMENDMENT) BILL, 1993  
CONSIDERATION OF BILL DEFERRED.

THE CHAIRMAN: At the request of the Honourable Member, the next Bill, The Stamp Duty (Amendment) Bill, 1993, will be deferred until Monday.

THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Amendment of section 2 of Law 14 of 1976.  
Clause 3. Amendment to section 3 of the principal Law.

THE CHAIRMAN: The question is that clauses 1 through 3 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill for a Law to Amend the Land Holding Companies Share Transfer Tax Law.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. TITLE PASSED.

THE REGISTERED LAND (AMENDMENT) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Amendment to section 39.  
Clause 3. Amendment to section 107.

THE CHAIRMAN: The question is that clauses 1 through 3 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill for a Law to Amend the Registered Land Law (Revised).

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. TITLE PASSED.

THE COMPANIES (AMENDMENT) (NO. 3) BILL, 1993

CLERK: Clause 1. Short title.  
Clause 2. Interpretation.  
Clause 3. Section 7 amended.  
Clause 4. Section 8 amended.  
Clause 5. Section 49 amended.  
Clause 6. Section 111 amended.  
Clause 7. Section 132(1) amended.  
Clause 8. Section 132(2) repealed and replaced.  
Clause 9. Section 134 amended.  
Clause 10. Section 135 amended.  
Clause 11. Section 195D(1)(d)(II) amended.  
Clause 12. Section 195D(2) repealed and replaced.  
Clause 13. Section 195D(3) amended.

THE CHAIRMAN: The question is that clauses 1 through 13 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. CLAUSES 1 THROUGH 13 PASSED.

CLERK: A Bill for a Law to Amend the Companies Law (Revised).

THE CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. TITLE PASSED.

THE CHAIRMAN: That concludes Committee on eight Bills. The question is that the Bills will be reported. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. BILLS TO BE REPORTED.

HOUSE RESUMED

THE SPEAKER: Please be seated. The House is resumed.

REPORTS ON BILLS

THE TRAVEL TAX (AMENDMENT) BILL, 1993

THE SPEAKER: Honourable Member for Health and Human and Services.

HON. W. McKEEVA BUSH: Madam Speaker, I have to report that a Bill for a Law to Amend the Travel Tax Law, 1976, was amended by the Committee and passed.

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

THE PORT AUTHORITY (AMENDMENT) BILL, 1993

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, I have to report to the House that a Bill entitled The Port Authority Amendment Bill, 1993, was passed by the Committee without amendments.

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

THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I have to report to the House that a Bill for a Law to Amend the Banks and Trust Companies Law, 1989, was considered by a Committee of the whole House and passed without amendment.

**THE SPEAKER:**

Honourable Member for Education is not here...He is coming now. The Bill is accordingly set down for Third Reading. I notice the

**THE FIREARMS (AMENDMENT) BILL, 1993**

**THE SPEAKER:**  
Aviation.

The Honourable Member for Education and Culture and

**HON. TRUMAN M. BODDEN:**  
the Firearms (Amendment) Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

Madam Speaker, I have to report to the House that a Bill entitled

**THE SPEAKER:**

The Bill is accordingly set down for Third Reading.

**THE LOAN (CAPITAL PROJECTS) BILL, 1993**

**THE SPEAKER:**

The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:**  
Law to Authorise the Borrowing of up to C\$ 58,130,171 for the Financing of Specified Capital Projects was considered by a Committee of the whole House and passed without amendment.

Madam Speaker, I have to report to the House that a Bill for a

**THE SPEAKER:**

The Bill is accordingly set down for Third Reading.

**THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993**

**THE SPEAKER:**

The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:**  
Law to Amend the Land Holding Companies Share Transfer Tax Law, was considered by a Committee of the whole House and passed without amendment.

Madam Speaker, I have to report to the House that a Bill for a

**THE SPEAKER:**

The Bill is accordingly set down for Third Reading.

**THE REGISTERED LAND (AMENDMENT) BILL, 1993**

**THE SPEAKER:**

The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:**  
Law to Amend the Registered Land Law (Revised) was considered by a Committee of the whole House and passed without amendment.

Madam Speaker, I have to report to the House that a Bill for a

**THE SPEAKER:**

The Bill is accordingly set down for Third Reading.

**THE COMPANIES (AMENDMENT) (NO. 3) BILL, 1993**

**THE SPEAKER:**

The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:**  
The Companies (Amendment) (No. 3) Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

Madam Speaker, I have to report to the House that a Bill entitled

**THE SPEAKER:**

The Bill is accordingly set down for Third Reading. At this time

proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3:53 P.M.**

**PROCEEDINGS RESUMED AT 4:11 P.M.**

**THE SPEAKER:**

Please be seated. At this time I will ask the Honourable Member for Agriculture, Communications and Works, to move suspension of Standing Order 30(1) in order that he may, as Member of the Government, make a statement on a public matter.

**SUSPENSION OF STANDING ORDER 30(1)**

**HON. JOHN B. McLEAN:**

Thank you, Madam Speaker. I beg to move the suspension of Standing Order 30(1), so that I may make a short statement to the House.

**THE SPEAKER:**

The question is that Standing Order 30(1) be suspended in order for the Honourable Member to make a statement on a public matter for which the Government is responsible. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. STANDING ORDER 30(1) SUSPENDED.**

**THE SPEAKER:**

Honourable Member.

**STATEMENTS BY MEMBERS OF THE GOVERNMENT**

**IMPORTATION OF BUSES BY AVALON TOURS**

**TAXI DRIVERS' ASSOCIATION PROTEST**

**HON. JOHN B. McLEAN:**

Thank you, Madam Speaker. Madam Speaker, I refer to an incident which took place this morning in regard to a peaceful demonstration by certain taxi drivers, and would like to make the following statement:

This demonstration was as a result of three buses being imported by Avalon Tours. However, these vehicles remain in Government's custody as it appears that the importation of these does not comply with the Law.

The matter is being fully investigated by the Government's Legal Department and a full ruling will be made in due course.

Thank you, Madam Speaker.

**THE SPEAKER:**

The Third Elected Member for West Bay.

**MOTION FOR THE SUSPENSION OF STANDING ORDER 30(2)**

**MR. JOHN D. JEFFERSON, JR.:**

Thank you, Madam Speaker. In accordance with Standing Order 83, I move the suspension of Standing Order 30(2) to enable all Honourable Members to air their views on this very important matter.

**THE SPEAKER:**

The Second Elected Member for Bodden Town.

**MR. ANTHONY S. EDEN:**

I beg to second the motion.

**THE SPEAKER:**

The motion having been duly moved and seconded is that Standing Order 30(2) be suspended in order that Members, who wish to do so, may debate the issue which arose from the Statement by the Honourable Member for Agriculture, Communications and Works. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. STANDING ORDER 30(2) SUSPENDED.**

**THE SPEAKER:**

Honourable Member for Agriculture, Communication and Works.

**HON. JOHN B. McLEAN:**

Madam Speaker, I am not trying to steal the thunder from any Member but, as I pointed out in the Statement, the matter is presently being investigated by the Legal Department and I am only warning that I would not like for us at this time to prejudice anything. So, maybe, when the full report is made, it would be better if they could delay their contribution until that time.

**THE SPEAKER:**

Honourable Mover of the Motion, would you take that into consideration and withdraw your motion?

**MR. JOHN D. JEFFERSON, JR.:**

Madam Speaker, I would just like to have an idea how quickly we intend to have a resolution of this matter before I agree to that.

**THE SPEAKER:**

Honourable Member for Agriculture, Communication and Works.

**HON. JOHN B. McLEAN:**

Thank you, Madam Speaker. The most I can say at this time, as everyone can see I have been out of the Chamber all day working continually with the Legal Department, trying to come to a solution on this matter. Presently, when I came back in, it is still being worked on by the Legal Department. So, with a bit of luck I think that we should hear from them, at the latest, by Monday.

**THE SPEAKER:**

Thank you. Under the circumstances...Honourable Third Elected

Member for West Bay.

#### WITHDRAWAL OF MOTION

MR. JOHN D. JEFFERSON, JR:  
I withdraw my motion and I look forward to the Honourable Member reporting on the resolution of this matter.

Thank you, Madam Speaker. Under the circumstances, I wish to withdraw my motion and I look forward to the Honourable Member reporting on the resolution of this matter.

THE SPEAKER:  
The Motion has accordingly been withdrawn. We continue to Other Business.

Thank you, very much. The Motion has accordingly been withdrawn. We continue to Other Business.

#### OTHER BUSINESS

#### PRIVATE MEMBERS' MOTIONS

##### PRIVATE MEMBER'S MOTION NO. 10/93 CAPITAL PUNISHMENT

THE SPEAKER:

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR:  
Capital Punishment, which reads as follows:

Madam Speaker, I beg to Move Private Member's Motion 10/93,

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

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

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

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

AND WHEREAS since the abolition of capital punishment the number of murders within the Cayman Islands has increased substantially;

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

AND BE IT FURTHER RESOLVED THAT the following message be forwarded, by the Honourable Speaker, to His Excellency the Governor of these Cayman Islands:

"To His Excellency the Governor:

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

THE SPEAKER:

The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN:

Thank you, Madam Speaker. I beg to second the Motion.

THE SPEAKER:

and seconded, is now open for debate.

Private Member's Motion No. 10/93, having been duly moved

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR:

is a very controversial and emotional issue. There are many people in this country who support the re-establishment of Capital Punishment in these

islands, and there are some people in this country who also

oppose the idea of re-establishing Capital Punishment in this country. Madam Speaker, I am one of those persons who strongly supports the re-establishment of Capital Punishment in the Cayman Islands as the only appropriate sentence for the conviction of the crime of murder.

There are many arguments put forward by the advocates against the re-establishment of Capital Punishment for the crime of murder. One of these arguments is that capital punishment has not proven to be a deterrent for the crime of murder and therefore should not be reintroduced. In my opinion, this argument, or statement, is debatable. That is not the main reason why I am bringing this Motion. My argument in support of this Motion is simple - I believe in the Bible, which clearly states that if you take someone's life you must be prepared to give up your life in return. One of the great Commandments that is set out in Exodus chapter 20 is, "Thou shalt not kill".

I have heard plenty of arguments for the idea against capital punishment for the crime of murder, arguments like, maybe the State is at fault, and maybe the person should have an opportunity for rehabilitation. My opinion is, and I think my convictions are strongly supported by the Bible, which I believe very strongly in, that if you take it upon yourself through premeditated measures to take someone's life, then you should not have the opportunity for rehabilitation. In my opinion, the only just sentence in the case of murder is capital punishment.

I had a friend who argued that he did not believe in capital punishment because we are under the period of grace, we are no longer under the Mosaic Laws and, therefore, we have no right to take anyone's life who commits the crime of murder. I, for one, do not only believe in the New Testament, I believe in the whole Bible. The Bible plainly points out, and I will mention a few things in my winding up that substantiates and supports my argument, that the crime of murder is supported by the Bible, as far as capital punishment is concerned.

Madam Speaker, down through the ages society has had to introduce some very harsh measures to eliminate and prevent chaos and anarchy, and also to guarantee the survival of that society. One of the measures that has been implemented over the years by society is the introduction of capital punishment for the crime of murder. The thought of taking someone's life, that is, the murderer's upon conviction of the crime of murder, is not an easy thing. We can all say in our minds that if someone commits murder, he should die - unless that person is near to one of us, be it a family member or a close friend - then it appears that the situation changes. But I have had to resolve in my own mind that even if one of my brothers, or my wife, my father or mother, takes it upon themselves to commit the crime of murder, then they should pay the ultimate penalty - give up their life in return. That is how strongly I feel about this issue.

I believe that one of the reasons that we are having some of the problems that we are now experiencing in our society is because over the years we have compromised, as a society, with regard to certain principles that were set down over the years. Many countries have done away with capital punishment, so we have compromised on that. Today, millions upon millions of unborn children are destroyed every year through the process of abortion, and we do not bat an eye as a society. As a matter of fact, in certain societies an abortion is legal. In other words, murder is legal in some societies. This is what happens when we do not adhere to those principles and those commandments that were laid down for us through the years by God.

A lot of times these measures appear to be harsh. But, you know, God knows all things. He is all wise. If we follow the Commandments, as laid down in the Bible, and implement and adhere to those Commandments, we would be much better off as a society and as a people. What concerns me today is that with the advent of drug trafficking in this country, there appears to have been a serious decline in the decency, integrity and respect for life. Today, in our society, we hear and witness occasions where persons take it upon themselves to get out there and take one's life with no regard for the innocence of life, and then expect us, as a country and a society, to condone that and say it is all right to go and do that - that we will not take their life in return, but, as a society, send them to Northward Prison where they are fed three meals a day, without any severe measures. Even if it were with hard labour we would feel that they are paying some penalty. But not even that, with all the international conventions as we are now subjected to, like Amnesty International and all the others, we cannot even do that, we cannot even work the prisoners properly. So, I do not believe that someone who takes it upon himself to take another person's life should have that opportunity - just sitting up at Northward Prison, being fed three meals a day for the rest of their life.

#### MOMENT OF INTERRUPTION

THE SPEAKER:

Honourable Member, it is now 4:30, will you be finished in a few minutes?

MR. JOHN D. JEFFERSON, JR:

No, Madam Speaker.

THE SPEAKER:

Would the Honourable Member for Health and Human Services move the adjournment?

#### ADJOURNMENT

HON. W. MCKEEVA BUSH:

Madam Speaker, I move the adjournment of this Honourable House until Monday, November 29, 1993, at 10:00 A.M.

THE SPEAKER:

The question is that the House do now adjourn until 10:00

o'clock Monday morning. I shall put the question. Those in favour please say Aye...those against No.... the Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY 29TH NOVEMBER, 1993.

**MONDAY**  
**29TH NOVEMBER, 1993**  
**10:13 A.M.**

THE SPEAKER:

I will ask the Third Elected Member for West Bay to say Prayers.

**PRAYERS**

MR. JOHN D. JEFFERSON, JR.:

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

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.

**ANNOUNCEMENTS BY THE SPEAKER**

THE SPEAKER:

Please be seated. Proceedings are resumed in the Legislative Assembly.

I notice with pleasure that the Honourable Third Elected Member for Bodden Town has returned. I am sure that all Members would like me to express our best wishes to him for improvement in health.

The Honourable Member for Tourism, Environment and Planning, Leader of Government Business, has not yet arrived, therefore we will proceed to the second portion. The Honourable Second Official Member.

**PRESENTATION OF PAPERS AND REPORTS**

**INTERIM REPORT OF THE SELECT COMMITTEE ON THE PENAL CODE**

HON. RICHARD H. COLES:

Thank you, Madam Speaker. I beg to lay on the Table of this Honourable House the Interim Report of the Select Committee on the Penal Code.

THE SPEAKER:

So ordered.

At this time I would ask the Honourable Member for Health and Human Services if he would move the suspension of Standing Order 14(1), in order that he might make a statement.

**SUSPENSION OF STANDING ORDER 14(1)**

HON. W. McKEEVA BUSH:

Madam Speaker, in order to make a Statement which is not set down on the Order Paper, I would ask for the suspension of Standing Order 14(1).

THE SPEAKER:

The question is that Standing Order 14(1) be suspended in order that a statement may be made by the Honourable Member. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. STANDING ORDER 14(1) SUSPENDED.

THE SPEAKER:

The Honourable Member for Health and Human services.



**STATEMENTS BY MEMBERS OF THE GOVERNMENT****SPORTS ACHIEVEMENT BY MRS. MERTA DAY**

**HON. W. McKEEVA BUSH:** Madam Speaker, it gives me great pleasure to formally inform you and to place into the records of this Honourable House the historic achievement of Mrs. Merta Day, a member of the Cayman Islands Team representing Tae Kwon Do at the 17th Central American and Caribbean Games in Puerto Rico. Mrs. Day won a silver medal and has become the first person to win a medal at any of the major international games in which this country competes.

On behalf of the Government and the people of the Cayman Islands, I would like to congratulate Mrs. Day on her historic achievement. I would also like to congratulate the coach, Mr. Kareem Abdul-Jabbar, for his hard work and dedication, as well as to congratulate the other members of the Tae Kwon Do Team, in particular, and the Olympic Team in general, that represented the Cayman Islands.

I understand that all members of the team put their best foot forward in their respective competition. Special mention may be made of Ms. Roberta Porter, another Tae Kwon Do competitor, and Mr. Ernest Barnes of the Boxing Team, both of whom placed in their competitions. The sailing team also did quite well, and the football team won one match against the host, Puerto Rico. The cyclists did their best in difficult, hilly conditions.

Behind the scenes, but nevertheless also deserving acknowledgment, is Mr. Robert Lewis, President of the Cayman Islands Tae Kwon Do Federation. Mr. Lewis has provided excellent leadership of this organisation, stressing discipline and the importance of developing as a well-rounded person.

Madam Speaker, for the benefit of Honourable Members, the Cayman Islands Tae Kwon Do Federation shall be hosting the World Tae Kwon Do Championship in July 1994. I would like to take this opportunity to wish them every success in their undertaking and to welcome to the Island, once again, Mr. Song, Deputy Secretary-General of the World Tae Kwon Do Federation, who is visiting to review arrangements to date for the World Championships.

I might say, in closing, that what these athletes have achieved reflects well on our small country and I do not mind adding that, while much of the credit goes to the hard work and dedication of the athletes themselves, their coaches and trainers, and other volunteer helpers, as well as private sponsors, no small amount of credit can be claimed by Government. We have provided funding, support, and are working to improve facilities and perhaps, most importantly, have provided support and encouragement for the evolution of better development programmes such as that which has borne such good fruit for Tae Kwon Do. I might also add that Mrs. Day is a member of the Sports Department of the Government.

Thank you.

**THE SPEAKER:**

Duty (Amendment) Bill, 1993.

Thank you.

The House will now go into Committee to consider the Stamp

**GOVERNMENT BUSINESS****BILLS**

HOUSE IN COMMITTEE AT 10:21 A.M.

**COMMITTEE ON BILLS****THE STAMP DUTY (AMENDMENT) BILL, 1993**

**THE CHAIRMAN:**

Please be seated.  
The House is in Committee to consider the Stamp Duty (Amendment) Bill, 1993. The Clerk will read the clauses.

**CLERK:**

Clause 1. Short title.  
Clause 2. Amendment of section 2.

**THE CHAIRMAN:**

The question is that clauses 1 and 2 do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**CLAUSES 1 AND 2 PASSED.**

**CLERK:**

Clause 3. New section 5A.

**THE CHAIRMAN:**

The question is that clause 3 do stand part of the Bill. A notice of amendment has been circulated to Members and I will ask the Honourable Third Official Member to present the amendment.

**HON. GEORGE A. McCARTHY:**

Madam Chairman, I would like to move that the amendment as circulated under Standing Order 52(2) be accepted by the House, en bloc.

**THE CHAIRMAN:**

The question is that the amendment to clause 3 as circulated be accepted by the House. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**AMENDMENT TO CLAUSE 3 PASSED.**

**THE CHAIRMAN:**

The question is that clause 3, as amended, do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**CLAUSES 3 PASSED.**

**CLERK:**

Clause 4. Repeal and substitution of section 18.

**THE CHAIRMAN:**

The question is that clause 4 do stand part of the Bill. Again, there is a notice of amendment which has been circulated to Members and I will ask the Honourable Third Official Member to present the amendment.

**HON. GEORGE A. McCARTHY:**

Madam Speaker, I would like to move that the amendments, as advised under clause 4, to subsections 2(a), 2(b), 3(a) and subsection 4, be accepted en bloc.

**THE CHAIRMAN:**

The question is that the amendment to clause 4 do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**AMENDMENT TO CLAUSE 4 PASSED.**

**THE CHAIRMAN:**

The question is that clause 4, as amended, do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**CLAUSES 4, AS AMENDED, PASSED.**

**CLERK:**

Clause 5. Amendment of section 26 (1).  
Clause 6. Amendment of section 27.

**THE CHAIRMAN:**

The question is that clauses 5 and 6 do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**CLAUSES 5 AND 6 PASSED.**

**CLERK:**

Clause 7. Repeal and substitution of section 28.

**THE CHAIRMAN:**

The question is that clause 7 do stand part of the Bill. Again, there is a notice of amendment that has been circulated to Members and I will ask the Honourable Third Official Member to present the amendment.

**HON. GEORGE A. McCARTHY:**

Madam Speaker, I would like to move that the amendments, as advised under subsection 28(2), by deleting "(g) Justice of the Peace"; "(h) Notary Public"; and ", or in office," be accepted by the House.

**THE CHAIRMAN:**

The question is that the amendments to clause 7 be accepted by the House. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**AMENDMENT TO CLAUSE 7 PASSED.**

**THE CHAIRMAN:**

The question is that clause 7, as amended, do stand part of the Bill. I shall put the question. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED.**

**CLAUSE 7, AS AMENDED, PASSED.**

**CLERK:**

Clause 8. Amendment of Schedule.

**THE CHAIRMAN:**

The question is that clause 8 do stand part of the Bill. Again, there is a notice of amendment and I will ask the Honourable Third Official Member to put this through.

**HON. GEORGE A. McCARTHY:**

Madam Chairman, this further notice of amendment was circulated this morning. It specifically has to do with assignments, whereby, under the present Law which was

amended in 1995, it makes provision for two successive assignments to be made and for these assignments to attract a fee or a stamp duty of \$100 per assignment. On the third assignment, then 7.5% stamp duty will be payable on the full consideration.

The amendment as proposed in the amending legislation would not restrict the number of assignments, it could continue into perpetuity. So, this first amendment restricts the number of assignments to two, with 7.5% stamp duty payable on the premiums in respect of each assignment. This premium arises, whereby, if the person contracts for the purchase of property, let us say for the sum of \$300,000, and on the first occasion it is sold for \$400,000, it would mean that the \$100,000 differential would represent what is now described as a premium and stamp duty would be payable on that. Previously it was only a fee of \$100.

On the third conveyance or transfer, then the 7.5% stamp duty, in full, would be payable on the overall consideration. So this is what this first amendment attempts to do, or will do, it will restrict the number of assignments to two, and for the full stamp duty to be payable on the full consideration on the third such assignment. So I move that the amendment be approved by the House.

**THE CHAIRMAN:** The question is that the amendment to clause 8 be accepted by the House. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. AMENDMENT TO CLAUSE 8 PASSED.**

**THE CHAIRMAN:** The question is that clause 8, as amended, do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. CLAUSE 8, AS AMENDED, PASSED.**

**CLERK:** Clause 9. Transitional.

**THE CHAIRMAN:** The question is that clause 9 do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. CLAUSE 9 PASSED.**

**CLERK:** A Bill for a Law to Amend the Stamp Duty Law, 1973.

**THE CHAIRMAN:** The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. TITLE PASSED.**

**THE CHAIRMAN:** That concludes proceedings in Committee on a Bill entitled The Stamp Duty (Amendment) Bill, 1993. The question is that the Bill be reported. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THAT THE BILL BE REPORTED TO THE HOUSE.**

**HOUSE RESUMED AT 10:30 A.M.**

**THE SPEAKER:** Please be seated.  
Proceedings are resumed. The Honourable Third Official Member.

### **REPORT ON BILLS**

#### **THE STAMP DUTY (AMENDMENT) BILL, 1993**

**HON. GEORGE A. McCARTHY:** Madam Speaker, I beg to report that a Bill for a Law to Amend the Stamp Duty Law, 1973, was considered by a Committee of the Whole House and passed with amendments.

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

### **THIRD READINGS**

#### **THE TRAVEL TAX (AMENDMENT) BILL, 1993**

**CLERK:** The Travel Tax (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member responsible for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to move that a Bill shortly entitled The Travel Tax (Amendment) Bill, 1993, be given a Third Reading and passed.

**THE SPEAKER:** The question is that a Bill entitled The Travel Tax (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE TRAVEL TAX (AMENDMENT) BILL, 1993, PASSED.**

**THE SPEAKER:** The Bill has accordingly been given a Third Reading and passed.

#### **THE PORT AUTHORITY (AMENDMENT) BILL, 1993**

**CLERK:** The Port Authority (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member responsible for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to move that a Bill shortly entitled The Port Authority (Amendment) Bill, 1993, be given a Third Reading and passed.

**THE SPEAKER:** The question is that a Bill entitled The Port Authority (Amendment) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE PORT AUTHORITY (AMENDMENT) BILL, 1993, PASSED.**

**THE SPEAKER:** The Bill has accordingly been given a Third Reading and passed.

#### **THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993**

**CLERK:** The Banks and Trust Companies (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Third Official Member.

**HON. GEORGE A. McCARTHY:** Madam Speaker, I beg to move that a Bill entitled The Banks and Trust Companies (Amendment) Bill, 1993, be given a Third Reading and passed.

**THE SPEAKER:** The question is that a Bill entitled The Banks and Trust Companies (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993, PASSED.**

**THE SPEAKER:** The Bill has accordingly been given a Third Reading and passed.

#### **THE FIREARMS (AMENDMENT) BILL, 1993**

**CLERK:** The Firearms (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Second Official Member.

**HON. RICHARD H. COLES:** Madam Speaker, I beg to move that a Bill entitled The Firearms (Amendment) Bill, 1993, be given a Third Reading and passed.

**THE SPEAKER:** The question is that a Bill entitled The Firearms (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

**AGREED. THE FIREARMS (AMENDMENT) BILL, 1993, PASSED.**

**THE SPEAKER:** The Bill has accordingly been given a Third Reading and passed.

#### **THE LOAN (CAPITAL PROJECTS) BILL, 1993**

CLERK: The Loan (Capital Projects) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled The Loan (Capital Projects) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Loan (Capital Projects) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. THE LOAN (CAPITAL PROJECTS) BILL, 1993, PASSED.

THE SPEAKER: The Bill has accordingly been given a Third Reading and passed.

#### THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993

CLERK: The Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled The Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. THE LAND HOLDING COMPANIES SHARE TRANSFER TAX (AMENDMENT) BILL, 1993, PASSED.

THE SPEAKER: The Bill has accordingly been given a Third Reading and passed.

#### THE REGISTERED LAND (AMENDMENT) BILL, 1993

CLERK: The Registered Land (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled The Registered Land (Amendment) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Registered Land (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. THE REGISTERED LAND (AMENDMENT) BILL, 1993, PASSED.

THE SPEAKER: The Bill has accordingly been given a Third Reading and passed.

#### THE COMPANIES (AMENDMENT) (NO. 3) BILL, 1993

CLERK: The Companies (Amendment) (No. 3) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled The Companies (Amendment) (No. 3) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Companies (Amendment) (No. 3) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. THE COMPANIES (AMENDMENT) (NO. 3) BILL, 1993, PASSED.

THE SPEAKER: The Bill has accordingly been given a Third Reading and

passed.

#### THE STAMP DUTY (AMENDMENT) BILL, 1993

CLERK: The Stamp Duty (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled The Stamp Duty (Amendment) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Stamp Duty (Amendment) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye...those against No...The Ayes have it.

AGREED. THE STAMP DUTY (AMENDMENT) BILL, 1993, PASSED.

THE SPEAKER: The Bill has accordingly been given a Third Reading and passed.

At the beginning of the meeting we will recall that the Honourable Member for Tourism, Environment and Planning was absent. At this time I will call upon him to present the Report of the Standing Business Committee.

### PRESENTATION OF PAPERS AND OF REPORTS

#### REPORT OF THE STANDING BUSINESS COMMITTEE

HON. THOMAS C. JEFFERSON: Madam Speaker, my apologies for being late, I am afraid other official business caught my attention and I could not get away. I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee for the meeting held on the 13th of September, 1993.

THE SPEAKER: So ordered.

HON. THOMAS C. JEFFERSON: Madam Speaker, the Business Committee met on the 13th of September and set down various Questions, Motions and Bills to be dealt with during the past proceedings of the House. There were 11 Business Papers setting out the business for the Third Meeting. The Committee agrees that the Report that I just begged to lay on the Table of this Honourable House be the Report of the Committee. Thank you, Madam Speaker.

### ANNOUNCEMENTS BY THE SPEAKER

THE SPEAKER: Before we go to the next business, I would also like to welcome the Temporary First Official Member who will be here during the absence on leave of the substantive holder of the post. Also, the Second Official Member who had been ill following his tour of duty.

We proceed to Private Member's Motion 10/93, Capital Punishment. The Third Elected Member for West Bay, continuing.

### OTHER BUSINESS

#### PRIVATE MEMBERS' MOTIONS

##### PRIVATE MEMBER'S MOTION 10/93 - CAPITAL PUNISHMENT

(Continuation of debate thereon)

MR. JOHN D. JEFFERSON, JR:

Thank you, Madam Speaker.

Madam Speaker, when we took the adjournment on Friday, I was dealing with the issue of the advent of drug trafficking in this country and the apparent deterioration with respect to the decency and integrity of life as a result of this scourge within our society. I also mentioned that we have witnessed incidents where persons took it upon themselves to get out there and take an innocent life, and then expect us, as a country, to send them to Northward Prison for life, with three meals a day, without any severe conditions.

I believe, Madam Speaker, it is time that these persons know, without a shadow of a doubt, that this country is no longer prepared to tolerate this type of behaviour and the time has come for us, once again, to call upon the United Kingdom Government to consider giving us an opportunity to deal with the crime of murder through the establishment of capital punishment.

Madam Speaker, it is my firm belief that the death penalty does

act as a deterrent for crime as far as the crime of murder goes. I am going to give you a very simple example, Madam Speaker. We have Traffic Laws in this country which basically say that if you speed in excess of 40 miles per hour on the West Bay Road, you get a ticket. Once you get a ticket you have to go to court, pay a fine, and you may even lose your licence. The existence of that law does act as a deterrent. But, Madam Speaker, there are still those people, irrespective of the Law that you have on your books, who still speed and the same thing applies with regard to capital punishment. I believe that if we have the law of capital punishment on our books, that it will act as a deterrent for the majority of the people who would even consider taking another person's life - because they recognise and realise the consequences of those actions. But there are going to still be people who will continue to take it upon themselves to take an innocent life. Madam Speaker, that is the person that this law intends to address.

Madam Speaker, you know if we have such a law on our books it is important for us to have the political will and fortitude to carry out the laws. Once the legal process has been exhausted - the defendant has had his day in court - then once all evidence and all issues have been settled we must be in a position where we carry out those sentences. I contend that the spate of murders that we have had in this country really occurred after the previous Government (that is, the 1984 to 1988 Government), advised the Governor to commute the death sentence of the two Nicaraguan nationals that were convicted here of murder and sentenced to hang. I have statistics to prove that once that decision was taken we sent the wrong message to the criminal elements and in return we have had a serious increase in the rate of murders and attempted murders in this country.

Madam Speaker, with your permission I would like to read some of these statistics that I was able to obtain from the Police Department. That decision by Government was taken back in 1985, and in 1985 we had one murder and two attempted murders in this country; in 1986 we had four murders and no attempted murders; in 1987 we had two murders and four attempted murders; in 1988 we had two murders and four attempted murders; in 1989 we did not have any murders but we had two attempted murders; in 1990 three murders, no attempted murders; in 1991 we had two murders and no attempted murders; and, in 1992 we had one murder and no attempted murders in this country. We are also aware that in 1993, I think we have had two so far.

So, Madam Speaker, the issue of murder has become a very serious issue in this country and we have to deal with that issue at this stage, otherwise we will continue to have people who take it upon themselves to take the law into their own hands to take somebody's life because of a petty grievance over a drug deal, or for whatever other reason. I believe we, as a society, have to be responsible enough to deal with this very serious matter.

Madam Speaker, back in 1991, there was a Commonwealth Parliamentary Association Conference held in Trinidad at which we had some representatives from the Cayman Islands. At that Conference the representatives from the British Dependent Territories agreed to a joint petition to the United Kingdom requesting reconsideration for the re-establishment of capital punishment in the dependent territories. The other representatives from the other dependent territories, as I understand, Madam Speaker, did go back to their Parliaments with a similar motion and were able to get the approval. But, you may recall that a similar motion was brought here in 1991, moved by the Honourable Member for Health and seconded by myself, when we were both Backbenchers. But that motion failed to pass and, as a result, the matter has since then been in limbo.

Once the Motion receives the approval in this House, that is the present Motion, I perceive that the dependent territories, with the Cayman Islands, will jointly move forward to petition the United Kingdom Government on the possibility of re-establishing capital punishment in the territories, including the Cayman Islands. Madam Speaker, I believe that the Motion is timely, as the issue of capital punishment is currently being discussed quite widely. I recall a recent article in the *Caymanian Compass* of Thursday, 11th November, 1993, it had a headline entitled, 'Jamaican Government Moves to Resume Hangings'. In that article there was the issue of a decision by the Privy Council to commute the sentences of two prisoners on death row in Jamaica. The argument was that they had remained there for too long, and under the circumstances it was considered cruel and an unusual punishment. So they are moving forward, Madam Speaker, to ensure that those prisoners who have exhausted their legal rights and processes for the crime of murder will be hung. I do not think we need to sit down and wait until things get as bad as they are in Jamaica before we decide to take some drastic actions to deal with the issue.

Madam Speaker, with your permission I would just like to read some of the statistics of prisoners on death row in Jamaica: "Mr. Patterson said that there were 170 inmates on death row. In addition to the 81 who had been there for more than five years, 24 had been there for over four years; 15, over three years; 12, over two years; 30, over one year, and seven less than one year." Madam Speaker, they have 170 prisoners presently on death row in Jamaica, and that country is moving forward to deal with the issue of capital punishment. There have also been a number of news items recently in the United States, as they grapple with the crime of murder and how to deal with it. They are all pointing back to the fact that those States, a lot of them, that had repealed or put a stay on capital punishment, are now convinced that they need to move once again to resume executions of persons convicted of murder in an attempt to stem this awful tide and to once again bring back some semblance of integrity, decency and respect for human life.

The situation in Grand Cayman is that there are presently seven convicted murderers at Northward Prison, six of them have had their sentences commuted to life, and the other prisoners are presently being held at the Governor's pleasure. So the whole world, including the Cayman Islands, is concerned about the serious decline in respect for life, and I feel, Madam Speaker, every possible option must now be pursued to stem this awful tide. I must hasten to go on to add that I believe that we are still very fortunate in this country and we still boast of a relatively crime-free society. But, Madam Speaker, we must now take steps to see to it that crime is not allowed to run rampant in this country. Our society must remain a safe one. Its survival depends on it and we must take whatever steps are necessary, including calling on the United Kingdom Government to

consider allowing us to re-establish capital punishment on our books for murder.

Madam Speaker, once that is achieved what I would like to see as well is that the United Kingdom Government give us some options in respect to how these sentences are carried out. I have not personally witnessed an execution, Madam Speaker. The idea of a hanging is not a very pleasant one, and I understand it is a very serious experience to witness someone losing their life through this process. What I would recommend is that, if we are allowed to do so, we be in a position where we introduce a lethal injection for carrying out these executions, because I understand this is a very painless and very quick way of carrying out these sentences. It is also, in my mind, a much more humane way of carrying out these laws.

I believe that the vote on this Motion should be a conscience vote, and I trust that the Members of Executive Council have requested to be released from collective responsibility to enable them to vote their consciences on this matter. I am confident that a majority of the Elected Members of this House feel the way I do about this issue, and as a result of a survey taken by *The New Caymanian* which was detailed in the 12th November, 1993 issue, stated that more than 85% of the callers believed that the death penalty would help bring down the level of crime in the territory. Madam Speaker, a majority of the people in this country also support the re-introduction of capital punishment as the appropriate sentence for murder.

I feel that it is important for me, as a representative of the people, to stand against any action by any Government, or individual, that threatens the safety and welfare of the people of these Islands. In my considered opinion, it is essential, in light of the recent increase in the spate of murders in this country, that we have some means of severely punishing any individual who willfully and deliberately takes the life of an innocent individual. It is my opinion that imprisonment for life is not sufficient for anyone who commits murder, and any murderer must be prepared to pay for this heinous crime with his own life. I feel it is necessary for us to protect our society from such criminal elements at any cost. It is necessary for us to maintain the type of environment that we enjoy in this country, where people feel free and safe and do not live as prisoners in their own homes. I think that it is essential for the continued health and welfare of any society.

Madam Speaker, it is my opinion, and I feel strongly about this, that it was wrong for the Privy Council to have taken the unilateral action on the abolition of the death penalty in this country without first giving the representatives of the people and the people of this country, an opportunity to voice their feelings on this very important and controversial matter. I understand that one of the reasons for the decision by the Privy Council was prompted by the United Kingdom's concern with regard to its Governors in the dependent territories, because it is left to the Governors of the respective territories to determine whether or not a sentence of death is carried out.

If this is the concern of the United Kingdom, then I would strongly suggest that some other body or committee be made responsible for making such a decision with regard to the carrying out of any court-ordered execution when it comes to the issue of murder. Madam Speaker, I do not believe the Elected Members of Executive Council, or a committee comprising a number of them plus a few of the well established, reputable citizens could sit on a committee that takes that decision, rather than leaving it in the hands of the United Kingdom's appointed representatives in this country, if they are that concerned about his welfare and safety.

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

I support this Motion, Madam Speaker, and I urge all Honourable Members to do the same when the opportunity comes to cast their vote.  
Thank you, Madam Speaker.

**THE SPEAKER:**

The Third Elected Member for Bodden Town.

**MR. G. HAIG BODDEN:**

Madam Speaker, I support this Motion to reinstate the death penalty for murder. As the Member moving the Motion outlined, both in the paper and in his introduction, the act of removing the death penalty was not discussed with the public. We were not given an opportunity to say if we agreed with it. It was arbitrarily removed by the United Kingdom.

While removing the death penalty for murder, they have seen fit to keep it on our books for treason. There are some instances of treason where the action is quite substantial, and perhaps they should keep capital punishment. But the law of treason, as it stands on our books, contains many frivolous offences and a person could be put to death for some of these very frivolous offences while, at the same time, there is no capital punishment for the more heinous crime of murder.

Quite recently the United States passed the Brady Bill, so called because one of President Reagan's aides was injured during an assassination attempt. The Brady Bill seeks to control the use of handguns in the United States and, just as it is here, the hand gun is one of the chief instruments of murder. It also seeks to enlarge the number of crimes which can be punished by capital punishment. In fact, in the United States, they now have some 47 crimes that can be punished with the death penalty. The United States had taken a soft line on murder some years ago, and some of the States had even done away with the death penalty. However, today, because of the escalation in crime, the United States has seen fit to start up the executions which they had stopped. The criminal just gets bolder and bolder. It is just like a child - if you slacken on your discipline he takes advantage of it.

The United Kingdom has been caught in a trap where it seeks to accommodate its neighbours in the European Community. When the death penalty was abolished in England, there

was no approval from the citizens of the United Kingdom. In fact, if they were to hold a referendum today, we would find out that the majority of the citizens in the United Kingdom would like to see the death penalty reinstated. However, the death penalty did receive the support of the majority of the Members of Parliament because most of them were caught up in these special interest accommodations.

The Member introducing this Bill outlined how murders have increased and that attempted murders have increased. There has been a whole escalation of crime. But not only have the numbers of crimes increased, the nature and the intensity of these crimes has become more severe. The Member, in one of the recitals to the Motion, claimed that the majority of the people of the Cayman Islands, and the majority of the Elected Members, opposed the abolition of the death penalty. I think that is quite correct and this is the feeling of the majority of the public. There are some people who may say that it is wrong for the State, the Government, or the Courts, to take the life of a person. Perhaps, on religious grounds, this may be true. But what these people overlook is that the criminal did not hesitate to take the life of his victim. It is not only the victim that suffers. What about the spouse, or the children of the victim who are denied forever, an education, food, and protection of the parent who is lost? These people cry out, but they are not heard. Of course the cries of the victim go down to the grave with him.

I believe that we should not stop at reinstating the death penalty, we need a review of our entire judicial system. What is creeping into the system now is what they had in New York some years ago, what they call the "cut-'em-loose-Joe" judges - judges that found every excuse for letting the criminal go. I think we should have a review of our criminal system. We are now dealing with the Penal Code, and I feel it needs to be tightened.

We need to look at the control of guns. Government's policy is totally wrong to give permits to the members of the Gun Club. The only criteria required to get a licence is to pay the annual fees and become a member of the Gun Club. I believe there are members there who are totally irresponsible and should not have a licence, while, on the other hand, respectable citizens are refused licences to protect their property and their households. We need to review our gun control policies. I believe we need to make a total ban, as the Brady Bill has done, on certain types of assault weapons. The semi-automatic and the automatic guns should be totally banned.

I believe we should increase the penalties for the possession of unlicensed firearms. The criminals know, in this country, that with impunity they can enter the majority of homes in the Cayman Islands and the only gun will be the gun in the hand of the criminal. We find that the countries around us have been forced to take strong action. Jamaica is starting to hang the criminals, Bermuda still has the death penalty for murder and many of the States in the United States have started to execute criminals again. I firmly believe that capital punishment is a deterrent. The death penalty has been on our books for about 100 years I believe, and it might even be a little longer, but it has not been used too often. I believe only one or two people were put to death during that period. But nobody throws out a fire extinguisher because he has not used it. I believe it should be brought back, and I think it will be a deterrent.

I spoke to some of the inmates at Northward Prison when some of them were on death row. You can believe that the knowledge that the death penalty was hanging over them had a psychological effect so great that, if they could undo the crime which they had done, they would certainly do it. I believe that those who had been sentenced to death, and whose sentences have now been commuted, should be allowed to remain with their commuted sentences. I do not advocate any change in that because they have suffered anguish. Because we have creeping into the community the "I don't care" attitude, and the reckless regard for life, I believe that we should bring back the death penalty. One of the 10 Commandments is, "Thou shalt not kill". But if one wanted to argue on religious grounds, one could find 100 texts in the Bible which suggest that the punishment should fit the crime.

The Member gave the statistics on the crimes and attempted crimes. What most people miss is how many murders there might have been had not the Grace of God intervened. We know that it is a miracle that some victims have escaped death. The Government recently took steps to increase the penalty for unlicensed firearms, and this is a good move. But I believe they may have to look at much stronger penalties in the future.

I would like to close, by saying that I commend the Member for having brought this Motion, and I would urge the House to look at a judicial review in this country. I think the time is right that we, as a Government, send a message to this country that we will not allow this country to be destroyed by the criminal element. I believe that every person should have a fair trial and every person, whether he commits a crime or not, should be given an opportunity to have a good defense. But, we must not bend backwards to accommodate the criminal. The Police need our support. The Courts need our support, but they too must shape up and do their jobs.

THE SPEAKER:

Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:25 A.M.

PROCEEDINGS RESUMED AT 2:03 P.M.

THE SPEAKER:

Please be seated.

Debate continues on Private Member's Motion 10/93, Capital Punishment. (Pause) The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS:

Thank you, Madam Speaker. Perhaps no one wished to speak

because there are not that many of us here to listen. Madam Speaker, I would like to preface my arguments on this debate by stating that I think it is very important that all of the representatives for all the districts in the Cayman Islands fully understand that it is our duty to let the people know the truth. I know the debate is not over, but so far, it is my opinion that the truth has not been told. I am in no way accusing anyone of not telling the truth, I am simply saying that the truth has not been told.

What this Motion surrounds, as emotional as it is, in my opinion, is not the issue at hand. Let me say quickly, that as an individual it is not difficult at all for me to say that capital punishment may well be, in certain circumstances, a punishment that is richly deserved. I have no fear in saying that. But, I would like to take time out this afternoon to spend a few minutes to do my best to let the people of this country know the truth.

I so happen to have spent some time not very long ago, in fact very recently, in speaking with as many individuals as I was able to. Not unlike what the Mover of this Motion has said, the majority of individuals that I spoke to were almost adamant regarding capital punishment and, basically, their view is, "Let us make sure that we have capital punishment, because that is what people who commit the act of murder deserve". But, what became very obvious to me during all of those discussions was the fact that the majority of the people in this country do not know the facts. I would like to state the facts as I know them. First of all, murder is basically a common law offence, and in common law it is defined as "the unlawful killing of a human being under the Queen's peace with malice aforethought so that the victim dies within a year and a day". In a Court of Law that is what murder is.

Madam Speaker, the Cayman Islands are classified as a Crown Colony, that is, a territory that forms part of the Crown's dominion outside of the United Kingdom. Although the Cayman Islands may enjoy a certain measure of internal self-government, our external affairs are controlled totally by the government of the United Kingdom - what we all call "Mother Country".

In the West Indies, and the North Atlantic region, there are currently six dependent territories as we know them - Anguilla, Bermuda, Montserrat, Turks and Caicos Islands, the British Virgin Islands and the Cayman Islands. I will not boringly go through the history of how we became British dependent territories, but I do not think that anyone here questions that, and I do not think the people of the Cayman Islands question that.

During the recitals, the Mover of this Motion spoke about a meeting in Trinidad. I can only discuss what I have on paper here because I was not there - I was not a Member of this Honourable House at that time. But I have a copy of the document that was signed, and this was done in Port-of-Spain, Trinidad, on May 16, 1991. It was addressed to Sir John Stokes, MP, and Mr. John Evans, Esq. MP, United Kingdom observers for the 21st Conference of the Caribbean, the Americas, and the Atlantic Region of the Commonwealth Parliamentary Association. It says: "Gentlemen, the attached statement speaks for itself. We, the undersigned, shall be grateful if you will pursue as promised." It was signed by a gentleman from Montserrat, by two Members from the Cayman Islands, by the then Speaker of Anguilla, by two representatives of the Turks and Caicos Islands and by two representatives from the British Virgin Islands.

To prove my line of argument, I beg your indulgence to continue reading. The statement reads as follows: "Delegates from the Caribbean Dependent Territories to the 21st CPA Regional Conference, held in Trinidad, met and agreed on the following with respect to the abolition of Capital Punishment in our respective territories. We were disappointed and even outraged at the manner in which it was imposed without proper consultation of the people or their representatives. We have therefore agreed to request the two Observers from the United Kingdom's Branch to make representations to Her Majesty's Government on our behalf. We are strongly urging that Her Majesty's Government reconsider its decision to allow the political leaders to properly deliberate on the issue in consultation with their people. A count should then be taken of the consensus which emerges. We believe that this is in keeping with the democratic process."

Other people pass opinions, and I do too, sometimes. My opinion, and they can bring one of these people who signed this document, I know the two who signed it for the Cayman Islands - they are here, they can tell me differently - but my opinion is that no one has ever heard, since this was drafted and signed, anything from the United Kingdom about it. That is how much attention they paid to it - nothing was heard about it.

Following up on this same line of argument, Madam Speaker, the Mover of the Motion painted a picture this morning of these dependent territories, along with ourselves, that the Cayman Islands is the only dependent territory left to take a motion similar to the one that is facing us and that we are debating right now, that the Cayman Islands is the only territory left to take a motion like that to the Legislative Council or Assembly, whatever it is called in the various areas, to get approval so that there may be this concerted effort to the Mother Country to change her tune.

Madam Speaker, I do not do proper research at all times, but when I come to this Honourable House, and if I do venture an informed opinion, I try my best that it is so; namely, an informed opinion. If necessary, I will Table what I am going to read, but I simply just want to prove a point. When it comes to standing up and dealing with an issue that is as emotional as this is, one must have the ability to step aside from the emotional part of the issue and fulfill one's responsibility as a representative, to ensure that the people are totally informed about what is happening. As I just said, I was told that with the exception of Bermuda, the other dependent territories had gone in their Legislative Assemblies with similar motions and they had these motions passed and the Cayman Islands was the only one that had not done so. One of the biggest reasons why we should be doing so now is so that we could be in concert with the other dependent territories to pack some punch to go to Mother Country and say, "Look, this is not what we like, we want you to do something about it".

The first piece of correspondence is regarding Anguilla. This is from the Commonwealth Parliamentary Association Secretariat. I will not read the entire document, I will just read

what is relevant to the point I am making. "The Foreign and Commonwealth Office assures me that Anguilla's Parliament had not moved any motion to revoke the United Kingdom Order on the abolition of the death penalty." The second one is from the Legislative Council of the British Virgin Islands. It reads: "I refer to your fax received earlier today with regards to the Caribbean Territories Abolition of the Death Penalty for Murder Order, 1991. Please be informed that no motion was passed by the Legislative Council in the British Virgin Islands seeking to have that Order revoked."

The next one is from the Legislative Council, Turks and Caicos Islands: "In response to your message of 19th November 1993, you would recall that this matter was discussed in Trinidad and Tobago by the Dependent Territories' Delegates at the Regional CPA Conference with the United Kingdom Members attending the Conference." That is the same 1991 Conference that I referred to earlier on. "The resolution was adopted but to date no response has been received on that resolution. As to measures that the Turks and Caicos Islands have taken, we have not taken the matter to the Legislature. The Executive Council, back in 1991, made its position clear to the United Kingdom that it did not wish the Order extended to TCI [Turks and Caicos Islands]."

The other one is from the Ministry of Finance and Economic Development, Plymouth, Montserrat. It simply reads: "The likely consequences of the abolition of the death penalty was discussed but there was no motion moved in the Legislative Council for the Caribbean Territories Abolition of Death Penalty for Murder Order, 1991, to be revoked." So, the truth of the matter is that there is not one dependent territory who has gone to their Legislative Assembly, except the Cayman Islands. The issue at hand is not how Kurt Tibbets feels. The issue at hand is the reality of the situation that exists.

#### POINT OF ORDER

HON. W. McKEEVA BUSH: Madam Speaker, on a Point of Order.

THE SPEAKER: Would the Fourth Elected Member for George Town, please sit?

HON. W. McKEEVA BUSH: I am wondering whether the Member would, if he does not want to table the documents that he is reading from, at least let Members read the letters that he has received from the Dependent Territories?

THE SPEAKER: Honourable Member, that is not a Point of Order. Please continue, Fourth Elected Member for George Town.

#### CONTINUATION OF DEBATE

MR. D. KURT TIBBETS: Madam Speaker, as I said earlier, if people were listening, I am happy to Table them at any point in time during the debate. I will be happy to do so. They are for any and all Members to read. No problem! I will continue.

Madam Speaker, just a few days ago in this Honourable House we debated a Government Motion regarding leaving the Bill of Rights out, for the time being, in order to achieve the other Constitutional amendments which had been approved in this House and putting it to a Select Committee so that we could go over it more thoroughly and present the United Kingdom with a Bill of Rights which was acceptable to all concerned.

In his winding up, the Honourable Member for Education and Culture and Aviation made a few remarks which I consider relevant and pertinent to my line of argument. One of these remarks was that he knows very well that our constitutional position on a Bill of Rights is exactly the same as the United Kingdom. I take that to be the truth. So, if he criticises the European Convention on Human Rights and the International Covenant on Human Rights, then he is criticising not only the United Kingdom, which relies only on that, but also many other European countries which have adhered to that Convention.

He also said:

"the Governor would simply not assent to it, the United Kingdom would not let this country break its international obligations....."

This is the whole reason for the stability of a Crown Colony as against full internal self-government. There is simply not the power in this House to pass laws and have them assented to if it is in breach of the international obligations of the colony." (Hansard 25th November, 1993)

How true!

for Education said, is:

"That is why we are so stable. The day we move away from being the type of Crown Colony in the stage we are, to where you get extensive powers in the hands of politicians, especially those who try to scare the public, that is when the United Kingdom will make sure that the advancement carries with it a Bill of Rights." (Hansard 25th November 1993)

So that it is clearly understood why I read those excerpts from

the *Hansards*, I think that the Member was quite right in his statements, but I think those statements have serious application to what we are considering here today. We have a situation where the United Kingdom has passed an Order, as the Motion states in its recital, in 1991 which abolished the death penalty in the United Kingdom and as a result, having done the necessary legal work, making it apply to the dependent territories.

Madam Speaker, when I was growing up I did not know one day when I dared to question my mother. Frankly speaking, I do not know why we are doing it here now. The issue is not whether the people of the Cayman Islands wish to have capital punishment, the fact of the matter is that we have been told that as long as the United Kingdom does not have capital punishment on her books we will not have it. Whose time are we wasting?

I have taken the time out and contacted just one of Her Majesty's representatives. I have been told unequivocally, that as long as Great Britain does not have capital punishment the Cayman Islands will not have capital punishment - as long as we remain a dependent territory. Am I hearing any weird suggestions about our status? I honestly do not think so, and I would not waste anybody's time here today to spend a half an hour dealing with it because, personally, I do not think so. But, nevertheless, the thought must come to mind.

In another area the Mover of the Motion took the time out to quote some statistics. He quoted statistics from the year 1985, which was when he said the two Nicaraguans had their sentences commuted, and I remember that. But, the abolition of capital punishment came into effect in the Cayman Islands in 1991, not in 1985. So, if he were to pull his statistics from 1985 until now, and I will not bore this House by going over them again, but it is easily understood that from 1991, when capital punishment was abolished in the Cayman Islands, there has been no rise in the crime of murder, statistically.

There is an old history book, I do not remember its name right now, but I remember reading that in the United States, in its early stages of development not very long after its independence, hanging was the penalty for those who stole horses. On this specific day, the four officials who were present and who took part in ensuring that the hanging of nine individuals, who were to be hung for horse stealing, went very well, when they went to get on their horses to go, somebody had stolen their horses. So it is obvious from that story that hanging did not necessarily act as a deterrent.

Again, that is not the point at hand. The people of this country who have been incited to believe that we, here in this Legislative Assembly, can pass this Motion and tomorrow have capital punishment for murder on our books, are either intentionally, or unintentionally, being misled. I consider it my responsibility here today to make sure that at least they know all of the aspects involved, so that we do not have ourselves building up a lot of hope for something that is totally futile. In fact, it is an act of futility in my opinion.

The essence of this Motion, the way I understood the Mover, was for us to get in concert with the other territories - and I think I have proven that there is no concert for us to go to here - to go to Mother Country and say, "Look, you are really roughing us up, you must allow us to decide whether we want capital punishment or not". That is what I understand.

It is clear, it has never been clearer to me, that as long as we maintain our status as a dependent territory it is a waste of time. If the Legislators in England get pressured and they change their laws to allow for capital punishment then we might stand a chance. Otherwise, we may as well forget it. From time to time, mention is made of our responsibilities through the United Kingdom to the European Convention on Human Rights, and to the International Laws of Human Rights under the auspices of the United Nations. It is simple. There is a chain of command which is very straight forward. We have had instances with CITES, and there are other areas where, and specifically, also, there is an agreement with - I cannot recall the name now, but it deals with aviation and the number of flights in and out of the Cayman Islands and such matters - the Bermuda II Agreement, I am told. The point in all of that is that we have no right, or ability, to negotiate directly with any other party unless we go through the United Kingdom. They, too, accept their responsibility to the European Convention and the International Laws of Human Rights, so how can they, having accepted that, be expected to make special concession for the Cayman Islands and have to go and deal with those people on a daily basis? It is ludicrous. I do not care what the Member is saying across the floor. It is totally ludicrous for us to stand up in this Legislative Assembly and try to convince the people of this country that we are going to do something about it. It is hog wash, that is what it is.

Madam Speaker, a short synopsis of our exact position is, and I will go in sequence hoping to make the point as concisely as I can, the Cayman Islands is a British Dependent Territory. Our Supreme Parliament is the Westminster Parliament. The Westminster Parliament enacted the West Indies Act of 1962, delegating authority to Her Majesty The Queen in Council. Section 5 of this Act, confers authority to make provisions for the Government of the Colonies, including the Cayman Islands. Through this delegation to the Crown in Council the Cayman Islands (Constitution) Order 1972 was created. This is what we term a form of delegated Legislature. Power was reserved for Her Majesty in Council to make further Orders in Council, which she has done on various occasions.

Our Legislative Assembly, the one we are sitting in today, is subject to the Westminster Parliament and to any Orders in Council made by Her Majesty in Council. The Order in Council abolishing the death penalty in the Cayman Islands was made by an Order in Council and, therefore, this Legislative body, being an inferior body, does not have the authority to seek for the death penalty to be reinstated. Madam Speaker, if the Legislators in this country feel as strongly as it is mooted, the Government of the day has every right, without any motion, to contact Her Majesty's Government to see if anything can be done about it. I daresay that I believe, unofficially, it has been done, the Government Bench knows that.

What I take umbrage to, not personally, but as a Member of this Legislature, is that, whether unwittingly, unknowingly, or however else, there has been a message clearly sent to

the people of the Cayman Islands that we can get capital punishment back on our books once we can get our Legislature to pass it. Nothing could be further from the truth. So, I can stand here for another two hours to satisfy a voting public and let them believe that Kurt is backing it - no problem - they supported Kurt and Kurt is backing capital punishment - that is going to get us nowhere. If I did that I would be fooling the people of this country, and that I do not intend to do or attempt to do.

So, there may well be other alternatives or other ways to make any serious attempt to do something about this situation. I have not dealt with that aspect during my debate, but I am sure there will be other speakers, both from the Government Bench and from the Backbench. I am sure there will be more supporting the Motion, and there may be a couple who may see fit not to support the Motion. But I want to ensure that we all understand today that the question at hand about this conscience situation - whether we should or should not have it - is not only secondary, but somewhere further down the line, because we have not come out from the very beginning and said, "look, people, we may feel the same way you do, but this is a waste of time".

As a result, I consider not the concept, but the carriage of the Motion to be a waste of time, and I need to be specific that in not supporting this Motion it has no bearing on how I personally feel about capital punishment, but I cannot stand up here today and debate how I feel about capital punishment because that is not the point at hand. If we want to talk about how we feel about capital punishment, I will do so any day of the week. But we, first of all, need to let the people of this country know exactly where we stand on this matter, then we can move on. Maybe we can find a method to get a true consensus whether that is what the people of this country want or not.

Thank you, Madam Speaker.

#### THE SPEAKER:

The Second Elected Member for George Town.

#### DR. STEPHENSON A. TOMLINSON:

Thank you, Madam Speaker. Capital Punishment was abolished by an Order in Council and I think that occurred in 1991, and it became effective in May of 1991. It was through an Order in Council given by Her Majesty's Government.

I believe that the Motion clearly says here that the Cayman Islands Government, the elected Members, the Official Members, and the people of this country, were not consulted about the matter and we had this thrust upon us. It is true that we are a British Dependent Territory. I personally feel that the way this was done was very, very insulting to all persons living in the Cayman Islands.

I do believe that it is very important that if the general public, and we, as Legislators, feel that this is not in the best interests of the Cayman Islands, that we should make some attempt to express our views to Her Majesty's Government, otherwise they will never know. Also, it is quite clear to all of us that even in the United Kingdom there is great support for capital punishment, although, on the other hand, there is a fraction of the community there that is against capital punishment. If we state our case, and if other dependent territories state their case, it only helps to fortify the position in favour of capital punishment even in that country. I believe that with the prevailing circumstances here in the Cayman Islands now it is very important that we, as a Legislature, give every indication that we are serious about mounting crime - in this case, murder.

I am also concerned that here we have an abolition of capital punishment for murder, and still in our books we have capital punishment for treason, so there has to be some double standard here, some hypocrisy. We heard from the Third Elected Member for Bodden Town this morning that in many instances the offences for treason are rather frivolous, when compared with the heinous crime of murder. So there seems to be some incongruity, to my way of thinking.

I listened carefully to what the Fourth Elected Member for George Town said, and it is true that we are a dependent territory, but nothing is achieved if nothing is asked for. I believe that our position on this should be made very clear to the United Kingdom Government. It is left to be seen whether anything will happen, but I do not regard it as an exercise in futility because I am aware of precedences where Orders in Council were rescinded in the past. Therefore, we need to present our case clearly to Her Majesty's Government. It is very important that something as serious as murder be given very deep and careful consideration. There will always be the pros and cons regarding what to do with the perpetrator. I have heard relatively convincing arguments in favour of capital punishment as the penalty for murder and, conversely, I have heard the opposite. We all, in this Assembly, have made up our minds, I am sure, in what we support in this respect.

I believe that in a large metropolis, in a developed country, with millions of people, that perhaps statistics do show that capital punishment does not appear to have been a deterrent. But I believe that if you break it down, and you look at the patterns of crime in rural areas of those countries, and in the urban areas, that you will see that there is definitely a difference in the face of crime in those developed countries. I believe that the result of having capital punishment in a small community like ours will definitely be different than that in a large country. Even if that is not correct, I have always maintained that if by instituting capital punishment even one person thinks twice before committing the crime, then it is well worth it.

It has been argued by others, what about those who are convicted who are innocent of the crime? That is a serious matter. But I do feel that, in light of what has been happening here recently, we have little to worry about that here in the Cayman Islands. I am very concerned about the murders that have been committed here in the recent past. Those persons are definitely in their graves and we have not convicted anyone for the crimes. It does appear that both the police and our judicial system need a definite shaking up. I am not happy if some smart lawyer gets a guilty person off. I believe in justice, and if those persons who get off are in fact innocent, I am very glad that they did get off. But I know for sure that someone killed those persons and no one has been convicted. To me, that is serious.

I certainly support the Third Elected Member for Bodden Town in saying that we need some kind of review. Not only the police which, I think, is coming shortly, but also the judicial system, so that justice can be done in the Cayman Islands. Capital punishment, we know, for years and years, was the penalty for murder in many, many territories throughout the world. Some of those territories abolished capital punishment and after some years reinstated it, and some have abolished it again. The subject is not a clear cut one, Madam Speaker, but I believe that every country has to decide what is best for that country. I have said that in the case of the Cayman Islands, because of our size, and because of the closeness in this community, I believe that it will act as a deterrent here. In a larger society where everyone is just a statistic it, perhaps, does not have the same impact.

If we do not institute capital punishment, if we are not listened to by Her Majesty's Government, we have the responsibility of taking care of these criminals for the rest of their lives. That, too, is a significant burden on the people of this country. Then, with what has happened in the past, most of these villains are released on parole. They are given a sentence of life imprisonment but after a number of years they are released on parole. I doubt whether they will stay in prison for the rest of their lives in the Cayman Islands. Someone said that after a generation, perhaps, they could be released on parole. But I believe that our Islands are far too small to accommodate murderers in our midst.

I believe that if we do not get capital punishment back on our statute books, then we should look at some alternative of ridding our society of these nefarious villains. Perhaps they should be sent to some other country where prisoners are treated as prisoners. Perhaps this could be arranged by some international agreement, but I do not believe that they should be sent out on parole in the Cayman Islands. Therefore, we might very well look at some alternatives. Also, it would be cheaper to take care of our prisoners in certain countries abroad, knowing the high cost of living. We were told the cost of keeping a prisoner in Northward Prison is approximately \$55 per day. We know that could be done a lot cheaper in certain countries not too far away from us. I do not think it is an impossibility to make some kind of international agreement and rid ourselves of these persons who are so undesirable in our midst.

Madam Speaker, I would really like to highlight the double standard, the fact that those very same persons who do not support capital punishment, per se, apparently have little or nothing to say about capital punishment being the penalty for treason. But for murder, they consider that is a great injustice. I think what is good for one is good for the other. Therefore, their argument does not hold water. I believe that what we need to do is state our case clearly, with all the various reasons why we feel that this country would be better off if we had capital punishment, state it very clearly and concisely, and forward this information to Her Majesty's Government. Whatever happens is left to be seen, but we will have done as much as we can do on this end and I, therefore, support the Motion.

Thank you.

#### THE SPEAKER:

The First Elected Member for Bodden Town.

#### MR. ROY BODDEN:

Thank you, Madam Speaker. Madam Speaker, in rising to speak on this Motion, I would like to make it clear from the outset that what I am articulating is by no means a personal opinion. I have made my position clear, on many occasions, where I stand when I speak for myself regarding capital punishment. However, this motion goes beyond my personal position and I am obligated to express an opinion which not only reflects the ability to achieve what is being asked, but also reflects the sentiments of my constituents and the wider country.

The Mover, in his introduction, said that what he was attempting to achieve in this Motion was controversial and emotional. Those are by no means understatement, for states and societies, from the beginning of civilisation, have grappled with this notion of whether the State should or should not kill murderers and capital offenders. Just by coincidence, I happened to have been reading "The Confucius Analects". In Book 12, Confucius was asked about Government, his reply was: "In administering your Government, what need is there for you to kill? To govern is to correct. If you set an example by being correct, who would dare to remain incorrect?". So, in other words, the great master was saying that if you, the State, sanction this, how then, are you in a position to offer correction? So it goes throughout history - from the oldest times of the Bible to the present day.

The last speaker made mention of a double standard which exists because currently we, and by inference the United Kingdom, have capital punishment on our books as the ultimate penalty for treason, yet we cannot have capital punishment for murder. Permit me to say that treason is, perhaps, one of the most serious offences that can be committed, for in its ultimate it means selling one's country. When you sell your country, you are not only selling one person, in many cases you are selling millions. I say that to say, that while there still may be some grey areas, certainly, the business of treason is serious enough to warrant a serious sanction.

Madam Speaker, I would like to take a different twist to the argument as it relates now to us here in the Cayman Islands. Prior to the Order in Council abolishing Capital Punishment we, in this country, went to great expense to construct a gallows and then a death row. I believe we spent \$5 million on equipment for the gallows and, to my recollection, there were only two places where this gallows was manufactured. One was in the United Kingdom, which we were not successful in dealing with, the other was someplace in Louisiana. If we recall correctly, it took us an inordinate amount of time to get a pin for the trap door of the gallows. So after having gone to great expense, and after having consumed a large amount of time, we had the gallows in place, and we built a death row - to the tune of \$5 million. Then came the Order in Council. The gallows had to be demolished, and death row has now been converted to a cell block.

So, we have spent \$1 million in preparing for something which

this Order in Council, made effective on the 10th of May 1991, outlawed. Now we are saying that we want that reinstated so that we will have to spend another million dollars, at a time when all the Members of this House agree that we can ill afford to spend money without giving serious thought. One million dollars for us, right now, after having just passed a Budget, would be hard to come by. So there is also the question of economics.

Then, too, Madam Speaker, how can we really be sure that the majority of the Caymanian populace is in favour of capital punishment? Have we taken a poll of any sort? Have we instituted a referendum? I am reminded that my colleague, the Fourth Elected Member for George Town, in his winding up, made mention of this but did not develop the argument. Let me challenge the Government to say that if they want to be sure of exactly what the sentiments of the majority of the Caymanian people are regarding Capital Punishment, they should set in motion a referendum. Then, one and all of us could be absolutely sure, and then the Government would be arguing from a position of strength instead of the speculation which surrounds this Motion.

Let me quickly take Honourable Members to the point where we are now. The majority of the prisoners on death row are now commuted for life - for Caymanians. Events of the recent past have shown that we have not been successful in convicting people who have been charged for murder. So, as I move around, Caymanian people are asking me, "Does this Motion mean, if we are to take as example recent events, that the people of a foreign nationality who kill in this country will get away free but the Caymanians will be caught? We are not prepared to let the Caymanians die from hanging, while the foreign people who commit the same offence go free". So there is that perception in the minds of some of our people which, I think, weighs heavily against the acceptance of this Motion.

I vividly recall a meeting with one of the representatives from the Foreign and Commonwealth Office, a Mr. Gordon Baker. While it is true that some Members currently in Parliament were not at that meeting, many of us were - the exceptions being the Second Elected Member for George Town, the Third Elected Member for George Town, the Fourth Elected Member for George Town, the Lady Member for North Side, the Fourth Elected Member for West Bay and the Second Elected Member for Bodden Town. On that occasion we raised, among other things, the notion of capital punishment as it affected the Cayman Islands. We were told, in as many words, that if we were so insistent upon hanging, that there was a way in which we could hang, that the United Kingdom would not attempt to stop us from hanging, nor would they attempt to stop us from going that route.

So, the question I have to pose now is, has the Government changed its mind regarding the Constitutional position of these Islands? Madam Speaker, I hear the Honourable Member for Health and Human Services shouting across asking me if I am not ashamed of myself, Madam Speaker, the onus is on that Member and his Government because they are supporting this Motion. I know what was told that day, that is why I would not bring a Motion like this, because I know the implications of this Motion. The only way that we can get capital punishment now is to go to the United Kingdom and say that we have had a change of heart. I have had no change of heart, Madam Speaker. That is why I am not supporting this Motion. I will attempt to let the people know what is true and what is possible, and the truth is that this Motion cannot go anywhere under our present Constitutional position.

Madam Speaker, the Honourable Member for Health and Human Services will have his time. He can speak and put forward his arguments. I am not going to let him distract me because, as the saying goes, it is my time now. I am saying that this Motion is a red herring that we do not need at this time. When it is the Government's turn to speak, I hope that they can explain, and explain convincingly, where this Motion is going and exactly how they are going to achieve what this Motion asks for.

I would also like to know if, since I am under the illusion that this is strictly a matter of conscience, the Official Members of Government are going to be voting on this Motion. Madam Speaker, this Motion is as much moral as it is political, so I would hope that the Official Members of Government are spared from voting with the Elected Members of Council if they so wish not to do.

Madam Speaker, there is but little more I can add to the argument laid down by the Fourth Elected Member for George Town. I say that this Motion, while I can clearly see the intent to come to grips with the seemingly deteriorating crime situation in our country is not the answer. It is not the panacea because it is asking us to do something which is well nigh impossible. For that matter, it would be remiss of me to lend my support to the Motion. It would be an abnegation of my sense of responsibility to my constituents and the wider country to lend my support to this.

Thank you.

**THE SPEAKER:**

Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3:20 P.M.**

**PROCEEDINGS RESUMED AT 3:33 P.M.**

**THE SPEAKER:**

Please be seated.

I have given permission that a Statement by a Member of the Government may be made at this time, subject to the suspension of the relevant Standing Order. The Honourable Member for Agriculture, Communications and Works.

**SUSPENSION OF STANDING ORDER 30(1)**

**HON. JOHN B. McLEAN:**  
30(1) to make a Statement.

Madam Speaker, I move the suspension of Standing Order

**THE SPEAKER:**

The question is that Standing Order 30(1) be suspended to enable a Member of the Government to make a Statement. I shall put the question. Those in favour please say Aye.... those against No.... The Ayes have it.

## **STATEMENTS BY MEMBERS OF THE GOVERNMENT**

### **PROTEST BY THE TAXI DRIVERS' ASSOCIATION**

**HON. JOHN B. McLEAN:**

As I promised this Honourable House and the listening public on Friday, I now make a further statement with regard to taxi drivers and Avalon Tours. I have now received advice from the Attorney General and the Legal Department that the three buses that were recently imported by Avalon Tours contravene the height restrictions set out in the Traffic Law (Revised). Accordingly, the Collector of Customs will not allow these vehicles to enter the Cayman Islands. The matter remains with the Legal Department. A meeting will be held with taxi drivers later this evening in an effort to address their concerns on the matter.

**THE SPEAKER:**

Thank you. I also understand it is now the desire that the House should adjourn since Members of the Government have a meeting within the next 15 minutes. I will ask the Honourable Leader of Government Business to move the Motion for the adjournment.

## **ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, I move the adjournment of this Honourable House until 10:00 A.M. Wednesday.

**THE SPEAKER:**

The question is that this House do now adjourn until 10:00 o'clock on Wednesday morning. Those in favour please say Aye....those against No....The Ayes have it.

**AT 3:35 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 1ST DECEMBER, 1993.**



**WEDNESDAY  
1ST DECEMBER, 1993  
10:04 A.M.**

**THE SPEAKER:**  
Prayers.

I will ask the Third Elected Member for George Town to say

**PRAYERS**

**MRS. BERNA L. THOMPSON MURPHY:**

Let us Pray.

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

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

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.

**ANNOUNCEMENTS BY THE SPEAKER**

**APOLOGIES**

**THE SPEAKER:**  
Assembly.

Please be seated. Proceedings are resumed in the Legislative

We have an apology from the Honourable Member responsible for Education and Culture and Aviation who will be arriving later on this morning. I would also like, on behalf of the House, to extend condolences to the Second Elected Member for Bodden Town on the death of his father, Mr. Stanshal Eden, who was well known throughout the Cayman Islands and I would asked the Clerk to write a letter on behalf of the House.

We will continue with the Orders for today. Deferred question No. 189, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

**QUESTIONS TO HONOURABLE MEMBERS**

**DEFERRED QUESTIONS**

**QUESTION NO. 189**

**THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, COMMUNICATIONS AND WORKS**

**No. 189:** Would the Honourable Member set out Government's policy for securing additional street lights on Cayman Brac and Little Cayman?

**THE SPEAKER:**  
Works.

The Honourable Member for Agriculture, Communication and

**HON. JOHN B. McLEAN:**

Thank you, Madam Speaker. Government has no official policy for street light installations in Cayman Brac and Little Cayman. Private requests are made to the District Commissioner then reviewed by the Public Works Department prior to a decision being taken. The lights are installed as areas develop and funds are available.

**SUPPLEMENTARIES:**

**THE SPEAKER:**

The First Elected Member for Cayman Brac and Little Cayman.

neighbour's house and you go into that house, or you stand in the window, and you shoot your neighbour (as was done in West Bay), plan the murder, rob her, shoot her through the window then go in and make sure she is dead by shooting her again, you should pay the ultimate price with your own life. No Privy Council in this world can tell McKeeva Bush otherwise. No Privy Council has the authority to tell me that I cannot come back and ask them to review what they have done. I will prove that one further on in my debate.

You hear all kinds of arguments being pushed by those people today who say they are professionals, they are well trained, they have education. It is barbaric, they say. Well, what about the murderers who kill through sentiment? What about those who do not give their victims a chance to defend themselves? Our people are attacked without warning and shot - the man is dead, the family suffers, but the murderer is pitied. How unfortunate, they say, to kill another man and we should not do this. They also say that Capital Punishment is vengeance. Vengeance, they say, is an act for which evil is returned for evil, that is what some of those Jeremiahs out there with a shade of religion are talking about.

I do not think that there is any question of vengeance in the case of society. Society is responsible for punishment and does not commit murder in such case. It punishes the one who has committed murder. I say it is the responsibility of society which cannot be reneged, nor avoided. It is its own responsibility it is not something that can be called vengeance. Maybe, they could call it another word, they could say it was retribution. I say it is something that cannot be reneged, our responsibility, or avoided.

They say it is not a deterrent and we had arguments about it. I question, will life imprisonment be a deterrent? Will it deter the criminal to know that he will be permitted to live freely after committing a murder? The question must be posed, it is very relevant. Must we - and I say this quite plainly, in a country with so much priority and need for financial resource - continue to feed and clothe people all their lives in prison when that person planned a murder, the deliberate taking of a life? Not at all. My claim is that the only appropriate sentence in the case of a murderer is the death sentence.

If Great Britain would like to help us, they can. If they do not want to reinstate Capital Punishment for this territory, they can build bigger prisons and give us a qualified budget. That is one of the ideas that we will be pushing to them. It is up to them, but they have the wherewithal. Should we abolish Capital Punishment for those who are syndicated gangsters or contracted criminals? Their business is murder, it is evil, it is corruption. Must we countenance the sort of criminal who will plot against the life of a representative, anyone of us in this House, because that representative stands against their evil doing and will speak out plainly on the wrongs that gangsters commit? Must we retain Capital Punishment, or should we do away with it? My position is very clear.

We have not had on these shores many, that we know about, large scale murders, where large groups of people have been murdered. But in our time we have had cases where murderers have placed bombs on aircraft, some 350 people on an aircraft being blown up - people not connected with the hate which the murderer felt for one person, one state, or one, or several, issues. We have had cases of the gradual but effective poisoning of a person over a period of time. All these things constitute good reason why this Legislative Assembly should be man enough to tell the United Kingdom Government that, "Yes, we are your loyal subjects, but we demand the right to say what laws govern our way of life", where those laws are of no material hurt to the United Kingdom Government or to the people of the United Kingdom.

We heard some nonsense story yesterday from the Fourth Elected Member for George Town, about international obligation. I do not believe that should be any reason why Members of this House should not stand together as a united effort to talk to the United Kingdom Government on this issue. Why not? I heard the First Elected Member for Bodden Town, question, and I believe the Fourth Member for George Town did the same thing, what we as a Government are doing - it is up to us. You see, that is just it. When something happens that they do not want any part of, they jump on the band wagon and say, "Ah-ah, it is you Executive Council boys that need to do this", that is what the First Elected Member for Bodden Town said, "You guys need to do it". Well, where is their responsibility to the people of this country? Do they believe it is only Executive Council that has that responsibility? They do all sorts of things to get people to vote for them, then they cannot come to this House and say, "Privy Council, listen, we know that you have a right over us, by the West Indies Act, but we do not feel that Capital Punishment, the abolition thereof, has done this country any good and we want you to take another look", and to him who says that we do not have the right, should not be in this House. I will come to that point too, Madam Speaker, I do not know what he is talking about - simple.

Madam Speaker, we heard another argument about the possibility of judicial error. That is a serious one. In dealing with this judicial error, it is easier to be a reformer. It is easy to get up and spell out the ways in which you are going to reform the world. It is difficult to change and reform human behaviour. Throughout the history of mankind we know that mankind has not changed. Circumstances have changed, but man's psychological behaviour under those changed circumstances has not.

What about judicial mistakes? This is very difficult to prove. I am no lawyer, but I understand it is a difficult thing to prove. Judicial error is difficult to prove or disprove but I think that the British system of Jurisprudence which we adhere to in Cayman, which they say is one of the best in the world, if it does not work or is not working it is not the rule of law that is at fault. Laws must operate for the good of the greatest number. It is not the Law that is at fault, so do not talk about judicial error. It is the person. I say there is no excuse for errors and the question should be, how can we minimize or eradicate judicial error? That is why I said a while ago that we should have a review. I will say this, I think we should, in regards to the eradication of error, appoint the best men to the bench. We must appoint men not only of intelligence and learned in the law but men with patience and human understanding. It is said that the laying on of hands makes a Bishop, but it does not create one. Enough said on that.

I think, whatever the outcome of this resolution, that all of us should agree that Capital Punishment should not only be retained for treason, but for the heinous crime of murder

against our citizens also. There can be no question in our minds that the action of the United Kingdom is a very unusual and very high-handed move. They acted unreasonably, and there was inadequate consultation with the people of these Islands and us, as Elected representatives, also - those in the House now and those who were in the House on May 10, 1991. The people are opposed to the action taken by the United Kingdom and they should have been given the opportunity of expressing their views at that time. But, nevertheless, those of us on the Backbench took up the issue and we discussed it at length in here and on the public platform before the election and during the General Election campaign last year. The people spoke on November 18th.

**THE SPEAKER:** Honourable Member, would this be a time to take the suspension?

**HON. W. McKEEVA BUSH:** Yes, Ma'am.

**THE SPEAKER:** Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED 11:37 A.M.**

**PROCEEDINGS RESUMED AT 11:57 A.M.**

**SPEAKER:** Proceedings are resumed.  
The Honourable Member for Health and Human Services, continuing the debate.

**HON W McKEEVA BUSH:** Madam Speaker, I was saying, when we took the break, that people had spoken about their feelings on Capital Punishment in the General Election because we all discussed it in the General Election campaign. The people then, and since then, have urged us to seek a review of the abolition matter.

Now, Madam Speaker, there is no doubt that there exists in this Assembly a body capable of dealing with this issue, which was not afforded an opportunity of considering it before the United Kingdom moved to abolish it. Can it be said that a law, or an order, which is made by people thousands of miles away with due regard to our local situation, or even the historical context of the said law - a law which is unacceptable to either the people of the Islands, or a majority of their elected representatives - none of them can say that it is a law made for the peace, order and good government of these Islands. Presumably that Order by the Privy Council was made under the last section of our Constitution which deals with power reserved to Her Majesty - section 58 of our Constitution, which reserves the power with the advice of the Privy Council to make laws for the peace, order and good government of these Islands. I wonder how anybody can say it is peace? I wonder, how they can say it is order or good government to take away from their colony, their duly elected representatives who affirm or swear allegiance to the Crown, a law which is still on our books?

Madam Speaker, they say that the matter being on our statute books is repugnant to British Law. It has been said by a couple of persons, reported in the newspapers, that the Imperial Government should be able to hand down these Orders because we are a colony. That was said here by the Fourth Elected Member for George Town. In our constitutional context, Madam Speaker, as I said, where laws made here are repugnant to the law of the United Kingdom, that may be true of certain matters. But, surely, where there is such a serious matter as the wanton disregard for the taking of a person's life by planned murder - where that is at question - the term peace, order and good government must constitute an exception to that doctrine, and a doctrine of laws here cannot be repugnant to the law of the United Kingdom. And we are going to tell them that. It is very clear to me that the wish of the majority of our people is that this Honourable House respectfully requests that the Government of the United Kingdom do take all necessary steps to review the said Order in Council in relation to the Cayman Islands.

Madam Speaker, I say that it has long been apparent to me that there are, in our society, some persons who by their own monstrous acts forfeit their right to the protection of society. I believe that society has the right to remove them regardless of whether that law or that action might be repugnant to the United Kingdom.

There are circumstances when the exacting of the death penalty is not only justified in the name of society but is necessary in order to preserve the stability of the society which supports the quality of life to which all of us aspire. No Privy Council - because I am in Executive Council now - is going to say to me that there is a difference. None of them will make me change my belief.

Madam Speaker, for those Members who claim that they are going to vote against this and that they are not going to help us try in this request, and who say it is futile, I will deal with that later on. I wonder, if someone shot or planned a deliberate murder of one of their children, of their mother, father, brother or other family member, whether those members would take that position here today of sitting on the fence? Madam Speaker, representatives should not be fence sitters. One is either for or against something. There is no in-between, and I do not understand this attitude of being in-between. There is a little animal in Florida which walks down the middle of the highway, and as one goes down the highway one can see his remains - he is squashed from being on both sides of oncoming traffic. One must take a position.

Now, Madam Speaker, as this Honourable House knows, and which has already been referred to, there was action taken to organise a Dependent Territory caucus on the matter and this was completed on the 16th of May, 1991, in Trinidad. The Dependent Territories concerned - Montserrat, Cayman Islands, Anguilla, Turks and Caicos Islands, the British Virgin Islands and Bermuda - all attended and

discussed the matter. All of us agreed that we would take up the matter further.

At that caucus a statement was given to Sir John Stokes, a member of the Conservative Party, and Mr. John Evans, a member of the Labour Party; the two United Kingdom observers at that meeting. That statement read... well, Madam Speaker, without being repetitious it was that same statement read by the Fourth Elected Member for George Town. This message was taken to the Secretary of State, or it was supposed to have been taken to the Secretary of State, by Sir John Stokes, the Government's (of the day) representative of the caucus. So, from there each one of us was left to go his own way to see what could have been done in his own territory.

Now, the Opposition, in their usual style, went to great lengths to discredit us by talking about telling the people the truth, inciting the people and, of course, that old red herring, the independence issue, raised subtly by the Fourth Elected Member for George Town, and more deliberately...

#### POINT OF ORDER

MR. D. KURT TIBBETTS:

Madam Speaker, on a point of order.

THE SPEAKER:

May I hear the point of order please?

MR. D. KURT TIBBETTS:

I do not know the number of the Standing Order, but in my debate I said nothing regarding the independence issue and I insinuated nothing regarding the independence issue.

THE SPEAKER:

Honourable Member for Health and Human Services, can you refer me to what was said by the Fourth Elected Member for George Town?

HON. W. McKEEVA BUSH:

I was reading...

THE SPEAKER:

I am asking if you can find the particular quotation from his speech.

HON. W. McKEEVA BUSH:

Well, Madam Speaker, I am sure you have a copy of his speech. If you look on page three of his speech, this is what he said: "I have taken the time out and I contacted just one of Her Majesty's representatives. I have been told unequivocally that as long as Great Britain does not have Capital Punishment, the Cayman Islands will not have Capital Punishment - as long as we remain a Dependent Territory. Am I hearing any weird suggestions about our status?" All I am saying is that while he did not refer to independence straight, he certainly made a remark to it. And his colleague, because they plan their work together on this Motion, his colleague...

THE SPEAKER:

Honourable Member, I have been asked to rule on this point of order. While there is no indication about independence, the statement is not one that one could rightly call a move to independence. I think you will agree with me that there is another stage before the Islands would reach independence. So please do not refer to it in that vein.

Thank you.

HON. W. McKEEVA BUSH:

Madam Speaker, I promised myself that I was not going to get into any hot water with you today, but I have my opinions. I will abide by your ruling...

THE SPEAKER:

Thank you.

HON. W. McKEEVA BUSH:

...but nevertheless, the statement is recorded in the *Hansard* and it will be there for posterity, not only for this House. I want to make it clear. I was not saying that he said that we had to go independent, I said he certainly referred to it.

THE SPEAKER:

Honourable Member, please do not refer to it. Please continue in another vein. Thank you.

HON. W. McKEEVA BUSH:

Yes, Madam Speaker. But I want to bring to your attention that other Members referred to it, and I am going to have to deal with it because I can prove...

THE SPEAKER:

Please, Honourable Member, just do continue. If you want to refer to other Members, but you were talking about the Fourth Elected Member for George Town. Thank you.

HON. W. McKEEVA BUSH:

Good, Madam Speaker, thank you. I am feeling good today. As I said, the debate of the Fourth Member for George Town had more holes in it than a sieve. I will go on to prove how uninformed on this issue they really are.

We organised the Dependent Territories Caucus in 1991, we spearheaded it. On the recommendation of the British Virgin Islands' delegate, it was agreed that the Cayman Islands would be coordinating this effort among the Dependent Territories concerned. As everyone is aware, a motion was debated here in this Assembly but was rejected by the Government of the day. This letter that I am

going to read was later forwarded by Fax to this Legislature's office and to all Dependent Territories. I will quote this letter:

To All Honourable Legislative Assemblies:

Anguilla  
Bermuda (for information)  
British Virgin Islands  
Montserrat  
Turks and Caicos Islands

As Honourable Members are aware, it was decided in Trinidad by the Caucus to take resolution to individual legislatures which would request government to seek reinstatement of Capital Punishment for our territories.

Insofar as the Cayman Islands Legislature was concerned, the Government of the day rejected the resolution therefore the matter could not move forward.

I am hopeful that your legislature will move forward as was expressed in Trinidad. I believe the new Government in the Cayman Islands would reopen the matter for discussion with the Foreign and Commonwealth Office.

Most respectfully,

W. McKeever Bush, MLA\*.

Madam Speaker, we were the organisers, and coming out of that caucus the Cayman Islands was appointed coordinators, therefore, the means for the letter.

When our efforts failed, those who had not yet, as of that date, taken the matter to their House, it must have dropped by the wayside. But, I would like to say this, they all, as I understand it, discussed it in one form or another. Some of them did not take an actual motion but it was discussed. If there are any untruths, or any misrepresentation of the facts, it was not my colleague, the Third Elected Member for West Bay, it was the Fourth Elected Member for George Town, when he said, and I quote: "So, the truth of the matter is that there is not one Dependent Territory who has gone to their Legislative Assembly except the Cayman Islands. The issue at hand is not how Kurt Tibbetts feels, the issue at hand is the reality of the situation that exists.". Madam Speaker, that is a deliberate misrepresentation of the facts.

We must all remember this when we get up to say things, national television now blares it out across the screen, as the same thing was said on national television last night, or it could have been Monday night, that the Member had said this and read letters to that extent. Misrepresentation, for the sake of opposing. The matter was taken up in the British Virgin Islands by motion and later by another debate in that Legislative Council. The *Hansard* of the British Virgin Islands Legislative Council is proof positive. Now, I suppose, Madam Speaker, you would like a copy of this and I will give one to you and one to Mr. Tibbetts, the Fourth Elected Member for George Town.

Madam Speaker, you will see that this is a report of debates of the Legislative Council of the British Virgin Islands, Thursday 23rd May, 1991. On the second page you will find what time it started and who were Members at that time. Further on in the *Hansard* you will find the Member for the Fifth District, who is (I will give you the name in a minute), Honourable Cyril B. Romney, Leader of the Opposition, Member for the Fifth District. I quote him: "Mr. Speaker, in accordance with Rule 12(2) of this House, and following the submission of a written notice of my intentions, I move the adjournment of this House to discuss a matter of urgent importance. It will be recalled, Mr. Speaker, that at a previous sitting of this House I moved a Motion which was graciously seconded by the Deputy Chief Minister concerning the abolition of the death penalty in the British Virgin Islands by Her Majesty's Government. This matter, Mr. Speaker, gave rise to considerable concern among the people of this territory when this high-handed action was announced.."

Madam Speaker, it goes on for several pages, that was page 13. On page 17 he ends his speech by saying: "I believe that we should continue to make representation and, in fact, at the CPA Conference in Trinidad, it was agreed among the delegates present that we should present a joint petition to the United Kingdom, and on my recommendation the Cayman Islands will be coordinating this effort among the Dependent Territories of the Caribbean..". Madam Speaker, further on in the *Hansard* you will find, on page 26, the Chief Minister speaking, the Honourable H. Lavity Stoutt, Chief Minister, Minister for Finance and Member for the First District. I quote: "Mr. Speaker, this debate is a very historic one. It will go down in the history of this Legislature as a time when all Elected Members spoke out on the abolition of the death penalty by Her Majesty's Government in regard to the Dependent Territories in the Caribbean.."

He goes on to say on the next page: "We know what the people want, we know how they feel about the death penalty. It is not just yesterday, we know how they feel. We will not stand still, we will do everything that lies in our power - where there is a will, there is a way. We believe that we are going to work together on this matter. We are making plans. We are not afraid to approach people. We will take it one step at a time until we succeed. It may not be done overnight, but we shall overcome..". Sounds just like Mr. Lavity Stoutt, does it not? I continue on the next page: "Mr. Speaker, I want to assure you that we will remain

optimistic. We will remain optimistic. Where there is a will, there is a way. Where people are determined to work together for the common good of the people of this country, we will succeed."

So it is proof positive, Madam Speaker, that this matter was not only taken by motion but it was taken a second time on a debate of Urgent Public Business. The Fourth Elected Member for George Town says that it was not done, yet he said that not one territory had gone to their Legislature. Further on that, Madam Speaker, I do not have this correspondence, but this morning I came to the House and I requested the Clerk to contact the Montserrat Branch, the Montserrat Legislative Assembly, and we found out that the matter was dealt with in the Montserrat Legislative Assembly, not by a Motion as we understand it... I was trying to find Mr. Tibbetts' letter, I wonder if he would be gracious enough to lend me his copy, the letter from Montserrat... yes, Madam Speaker... his letter, the Fourth Elected Member for George Town, his own letter states that the matter was discussed in Montserrat, but there was no motion. Yes, Madam Speaker, there was no motion, but his explicit words were: "So, the truth of the matter is that there is not one dependent territory who has gone to their Legislative Assembly except the Cayman Islands.". It was discussed in Montserrat by way of a Motion on the Adjournment as a Matter of Urgent Public Business. So do not come to this Honourable House and get up on national television and say that it has not happened. It has happened. I am appalled by the lengths taken to mislead our people and discredit Members here.

There was no formal motion as we put ours, there was a motion on the Adjournment as a Matter of Urgent Public Debate. It was so important to them, Madam Speaker, and Honourable Members, that they choose to interrupt the business of the House to debate this matter of urgent public business. I say when we are going to lead, we must tell the truth, we must not mislead. This Motion does not, in any way, shape, or form, challenge the United Kingdom Constitutional right to make Orders in Council. They have that right. The Fourth Elected Member for George Town should not be so anxious to discredit another Member, or discredit the National Team Government, by saying otherwise. The Motion does not call for that, it is very explicit, not far removed from the Motion taken back in 1991. Here he is saying, and I quote: "...when I was growing up I did not know one day when I dared question my mother. Frankly speaking, I do not know why we are doing it here now."

Madam Speaker, he is sadly mistaken and I do not know who his legal counsel is, but the legal documents that I have, which I am going to pass out, is conclusive proof that they do not know what they are talking about and they have misled him. The truth is that the same instrument, the West Indies Act 1962, which gives the United Kingdom Government powers to make Orders in Council to effect us, like the Death Penalty Abolition Order, gives the United Kingdom Government powers also to vary or revoke that Order by a subsequent order. It is mischievous, outrageous and uninformed, to say the least, the steps that were taken in here on Monday by those two Members - the First Elected Member for Bodden Town and the Fourth Elected Member for George Town - to make our people believe that we, in this Legislative Assembly, were going to great lengths to question Her Majesty's Government's right to make Orders for us. Uninformed, deliberate, outrageous, erroneous statements!

I quote the Fourth Elected Member for George Town: "Our Legislative Assembly, the one we are sitting in today, is subject to the Westminster Parliament and any Orders in Council made by Her Majesty in Council. The Order in Council abolishing the death penalty in the Cayman Islands was made by Order in Council" (and this is the offensive and uninformed part), "and, therefore, this legislative body, being an inferior body, does not have the authority to seek for the death penalty to be reinstated.". Madam Speaker, he used more offensive remarks in regard to my Honourable Colleague when he called it "hog wash"..... Ah, you should not copy me, my son. You do not hear how bad I am, sometimes. Madam Speaker, you see, I am not getting vexed when they trouble me. But the minute I trouble them you hear what a nasty boy McKeever Bush is, and that flowery language from the shelf of language that the First Elected Member for Bodden Town likes to use. Nevertheless, I can deal with them. But this is the ultimate act in misleading the people of this country.

I want to read, Madam Speaker, from the West Indies Act 1962 and I would like for the Serjeant to lay this on the Table of this Honourable House. I hope he (the Member) changes his mind, Madam Speaker. Section 7(2) of the West Indies Act 1962, reads: "Section 7(2): Any power conferred by this act to make an Order in Council shall be construed as including power to vary or invoke the Order in Council by a subsequent Order in Council.". If that is not giving us some right to go back to them and say, "Ladies and Gentlemen of the Privy Council, I beg you to think this over, look at our situation locally and do something about it". Who is telling the truth in this matter, Madam Speaker? Certainly not the First Elected Member for Bodden Town, or the Fourth Elected Member for George Town.

Madam Speaker, there were more direct remarks made by the First Elected Member for Bodden Town. I hear him say it is not over yet. Well, they can come after me and they will still know, too, that it will not be over yet. The remark I want to complain about from the First Elected Member for Bodden Town is, and before I get into that, I should go on to say that he talked about the visit from a Mr. Gordon Baker who visited us, I believe, in 1991. He said here:

"We were told, in as many words, that if we were so insistent upon hanging, that there was a way in which we could hang. The United Kingdom would not attempt to stop us from hanging nor would they attempt to stop us from going that route.

So, the question I have to pose now is, has the Government changed its mind regarding the Constitutional position of these Islands?

The only way that we can get Capital Punishment now is to go to the United Kingdom and say that

we have had a change of heart." "Have you all had a change of heart?", he asks, "I have had no change of heart, Madam Speaker."

That was the First Elected Member for Bodden Town.

Now, the Member was always a proponent for independence and that is recorded in his Thesis on the Colonial situation. He has not changed his mind? The National Team Government was not for Independence.

#### POINT OF ORDER

MR. ROY BODDEN: Madam Speaker, on a Point of Order.

THE SPEAKER: May I hear the Point of Order?

MR. ROY BODDEN: Yes, Madam Speaker, *Erskine May*, page 381. The Member is imputing false motives, he is misleading the House and telling a deliberate falsehood and I challenge him to produce any Thesis written by this Honourable Member proposing Independence for this country.

THE SPEAKER: Honourable Member, can you quote from any of his papers?

HON. W. McKEEVA BUSH: Yes, Madam Speaker.

THE SPEAKER: Please do so.

HON. W. McKEEVA BUSH: I have his Thesis here and I tell you this... let me amend my words to please him. If he were not talking about independence when he talked about colonialisms... balance is not there, Madam Speaker... something about colonialism, failures and something else... problems. Worse than that...

THE SPEAKER: Excuse me, please, I need to get to this point. You have said that he has made a statement in his Thesis about independence and you are now saying that he said he had not changed his mind. Now, I need to get... I have to make a decision on this. Please read your quotation if you can or, if you want to withdraw your words, please do so.

HON. W. McKEEVA BUSH: Madam Speaker, as I said, I know... and I will explain myself, and then you can rule, and I will abide by your ruling whatever it is. I know that the Member has personally pushed independence. When we go through his Thesis, it talks about that, it goes on...

#### POINT OF ORDER

MR. ROY BODDEN: Madam Speaker, on a Point of Order.

HON. W. McKEEVA BUSH: Madam Speaker, if I could just finish...

THE SPEAKER: Yes, please finish.

HON. W. McKEEVA BUSH: ...then you could rule.

HON. W. McKEEVA BUSH: It goes on worse than independence... and I cannot find it here... But I know what the Member wants, I know what he says, personally... All I am asking is to give me a chance, and I will abide by the ruling, I need to explain my position. It goes on worse when he talks about we do not understand the Cuban revolution and the situation in China and all that about capitalists...

THE SPEAKER: Excuse me, Honourable Member, I think I have heard enough now because a thesis cannot bind someone to say that the person is advocating independence or any other type of change of government. A Thesis is a document which has been prepared by someone who is reviewing the situation, whether 20 years, and going according to current events or anticipating what might happen in the next 20, 15, or whatever number of years. If everybody who has done a thesis is going to be bound by their words, that this is what they stand for, then I think we would have very few preparations of thesis for a doctorate or anything else. I must rule that you would please stay clear of stating that the Member is advocating for independence. Would you now continue?

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. I said I would amend my words to say that I could not find it, but I know what he pushes, and that is my opinion. Madam Speaker, I know what was told to us by Gordon Baker from the Foreign and Commonwealth Office. Further, we had a meeting in June with a Mr. Holland from the Foreign and Commonwealth Office to which all Backbenchers attended. I specifically put the question to him on what was the position of the United Kingdom Government on independence for the Dependent Territories, since independence was then, as now, being pushed in connection with the abolition of Capital Punishment.

Mr. Holland said that no one should read that to mean that

England is telling Dependent Territories to go independent. He said that England's position has been, and would continue to be, that they will not push the Dependent Territories into independence. Mr. Holland said that the wording in the question in the House of Commons which raised the issue of Capital Punishment, and I will read that wording: "The British Government considers that the death penalty for murder should be established in those territories which elected to remain under the Crown. That should not be taken to mean that the United Kingdom is saying to the Caribbean Dependent Territories that 'if you do not like the abolition of Capital Punishment you must go independent'."

That is what was told to us. The First Member for Cayman Brac was there. Mr. Holland further explained that the wording just mentioned was put in there because not all of the United Kingdom Colonies elected to remain under the Crown. He said that, for instance, Hong Kong and Gibraltar are colonies by virtue of a Treaty, so they did not elect to remain colonies, as such, like we are. In other words, those countries who have the option to remain a colony can do so. For example, Gibraltar and Hong Kong, both of which are colonies, do not have that option simply because the United Kingdom has a lease on Hong Kong, and owns the land comprising Gibraltar. So, Madam Speaker and Honourable Members, there is a big constitutional difference between the Cayman Islands, Gibraltar and Hong Kong.

If, for instance, Gibraltar passed a law saying that it wanted independence, it does not mean that the United Kingdom will go along with their wishes simply because the United Kingdom owned the land called Gibraltar. We Cayman Islanders own the land comprising the Cayman Islands. We have said that we do not want political independence from Great Britain, and the United Kingdom has said that they will not push us. That is the fundamental constitutional difference. For anybody to tell otherwise, they would be telling an untruth. For the sake of those who know so much, let me also pass out some information on the status of Gibraltar, and the status of Hong Kong, and the status of the Cayman Islands.

**THE SPEAKER:** Honourable Member, before you do that, could we take the luncheon break? Then you might be better prepared.

**HON. W. McKEEVA BUSH:** Thank you.

**THE SPEAKER:** The House will be suspended until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:48 P.M.

PROCEEDINGS RESUMED AT 2:19 P.M.

**THE SPEAKER:** Please be seated.  
The Honourable Member for Health and Human Services continuing the debate on Private Member's Motion 10/93.

**HON. W. McKEEVA BUSH:** Thank you, Madam Speaker. When we took the lunch break, I was referring to remarks made by the First Elected Member for Bodden Town who had put forward the view that we had to change our constitutional position for this Motion to do anything. I believe that I have successfully shown that they are only pushing that view for their own sake.

I was going on to lay on the Table of the House documents showing the status of the Cayman Islands, Gibraltar and Hong Kong. I lay these for their edification, hoping that they will not attempt, again, to distort the facts about the constitutional position of the Cayman Islands and how we retain our present constitutional status, or how we get rid of it. So, Members here cannot, in any honesty, say that the National Team Government is seeking independence because we are trying to put Capital Punishment back on our books.

Madam Speaker, much ado was also made by the First Elected Member for Bodden Town about doing what our constituents want, and how he is doing what his constituents want in his objection to this resolution. He challenges us to a referendum. The only thing that I would like to ask him is how does he know that he is speaking for a majority of his constituents? If he knows that then, surely, the Government would be in a similar position. If he feels that he can take a position on this motion, that we should not make an attempt to ask for a reversal of the order in the Privy Council, if he feels that is his constituents' view (and that of the wider country, he went on to say), the Government would be in the same position. I did not see him bring any paper or instrument of any kind saying, "this is the measurement by which I can say that my people do not want Capital Punishment". If he cannot do that, he should not put forward any sentiments which he says are those of his constituents and the wider country, in this house. The most he can do is say it is his personal view or, maybe, a few people he talked to. It is not true, that is a fact, because we all campaigned that we would look into it.

They will probably ask, he did in fact, what are we doing about it? The Fourth Elected Member for George Town talked about what was told to them, or to him, by one of Her Majesty's representatives. The question was then posed, what is the Government's position on: (1) the Motion; and (2) in regard to that representative of Her Majesty?

The Government's position is very clear. There are other colleagues of Executive Council who can deal with that matter, and who will deal with it - and other things as well. The Motion is very clear, and that is the Government's position. All we are doing in this House is trying to get unanimity to say that we are doing something or attempting to do something.

There are two resolve sections:

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

AND BE IT FURTHER RESOLVED THAT the following message be forwarded, by the Honourable Speaker, to His Excellency the Governor of these Cayman Islands:

"To His Excellency the Governor:

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

Madam Speaker, is that not clear enough? That is very clear. I have already shown that they are talking a bunch of rubbish when they say that we have no right to do it. In regards to that representative of Her Majesty, I would just like to say, whoever he was he would have to live by the Constitutional Order of this territory which states that where Her Majesty's representative is required to consult the Executive Council he must act in accordance with its advice unless he considers it inexpedient in the interest of public order, public faith or good government. Certainly, with the amount of crime in recent times and all of the work that we are trying to do, I do not think that anyone can say, any of Her Majesty's representatives here, that what we are trying to do in this Motion is not in keeping with the interest of public order, public faith or good government. No one can say that, Madam Speaker, and they have a constitutional responsibility to take the advice to act in accordance with the advice of the Executive Council here.

It may be that someone here has their own personal view, whoever this was that they referred to. So be it. We have a Constitutional Order in Executive Council and we have stated our position and all we are doing here is bringing it to this House and saying, "Join us, gentlemen, in this move". So let no one be so misguided to believe that there cannot be something done on our part, we are not weaklings. We are not dumb fools, we understand the situation and we have a Constitutional Order that must be abided by, and will be abided by.

Madam Speaker, there was some mention made by the First Elected Member for Bodden Town in regards to whether the Motion will kill Caymanians but the system will let foreign nationals go free. Let me say that this Motion does no such thing. Let me further say that the Executive Council of this country will not agree, and has not agreed, to anybody going free. So he, nor anyone else, needs to get up and make people believe that the Executive Council of this country has done any such thing. We are firm believers that if one commits a crime they will pay the price, whatever that is under the law. We are going to see that that is done. We have not agreed that any foreign national should go free in this country. Neither are we going to agree that any Caymanian who should be in prison goes free either.

Another point was made by him about this million dollars for the gallows. Madam Speaker, this Government had nothing to do with it. We are trying to reinstate Capital Punishment and he asks, would we have to spend another million dollars? "There is also the question of economics", he says. Madam Speaker, really, for people who portray themselves as know-it-alls, they should well know that there are other means used such as lethal injections. All I want to see is that it is brought back on the books, we will find a way to carry out the punishment. What is this nonsense about what his friends (the former Government) have done? They are the ones that did away with the gallows, not this Government. Why did he not rail against them?

Madam Speaker, I think that I have dealt enough with what the two Opposition Members who spoke so far have said. They were very mischievous, misleading and, certainly, to say the least, erroneous in their statement.

I have no qualms in supporting the Motion asked for. I do not see how it can be said that Capital Punishment on our books is repugnant to British Law. I fight it because of the principle involved. Britain can discriminate on what is a crime in Capital Punishment. That is what they do when they say that there is death for treason, and when they say it is there for arson - you burn down the Royal Dockyard, or you interfere with the Royal Family - I would protect that too. I have no qualms in supporting that. But they discriminate when they refuse to take into consideration the hard cold facts of premeditated murder in our country. It certainly cannot be repugnant to their law. How can a hanging here be repugnant to the United Kingdom as I said, when the United Kingdom is hanging for treason? So the principle alone is bad and this is where I disagree with them.

Madam Speaker, we should make an effort. I am asking the First Elected Member for Bodden Town, and the Fourth Elected Member for George Town to change their minds on this and support the resolution. All we are doing is asking them to consider reinstating Capital Punishment.

Well, they say I must ask more kindly. They want me to get on my knees. Maybe I would do that if I felt that would bring them to the altar. But, they have their positions. Nothing that I say here is going to make them change their minds.

But, before I close, let us look at such things as piracy and terrorists. In this day and age, when these Islands are swamped with all kinds of nationalities and all kinds of characters, it is not far fetched for some people or a person to take another person or group of people hostage for one reason or another. Perhaps it could be a school bus full of children. How do we deal with that? Do we call in the police force and let them talk to the terrorist or pirate? Suppose there is gun play involved by a group of citizens to protect their children and that school bus load of children is harmed, blown up or something else?

Should the perpetrator of such a crime be simply sentenced to life imprisonment with the possibility of parole? This is not something out of fashion. It is an act that is committed almost every week throughout the world. The perpetrator of such an act, in my opinion, should be recognised as being liable to the death penalty. I said to Members of this House that when our citizens, our families, are put at the mercy of these kinds of criminals, I will do whatever is necessary to ask the United Kingdom to deliberate with them on this issue of Capital Punishment.

I am sorry if there are those in this House who feel otherwise. One thing I do know, they cannot stand here and say that they support Capital Punishment, but when it is being abolished sit and do nothing, because really, Madam Speaker, they have done nothing except complain against what we are attempting to do. So join us, do something, support the Motion.

Madam Speaker, I would ask one question before I wind up. Most dozens of people die before they garner enough courage to ask the United Kingdom to reconsider their position as we are trying to do in this resolution? What kind of man is it that will say he loves his wife and children but he cannot seek the ultimate protection or the ultimate penalty that should be for anyone that does harm to them? If that is all that I can do, I will do it. We should say that. If he cannot do that, I say he is no man.

Madam Speaker, in closing, I will say that the Motion before the House is legal. I should say that we are not seeking to take away any power granted under our Constitution of the United Kingdom. We are simply requesting the United Kingdom to take steps to revoke the order which they made in regard to the abolition of Capital Punishment. That is all the Motion seeks to do. I believe that a vast majority of Caymanians and residents alike, support the resolution. Members say they support Capital Punishment, but they cannot support the resolution. It is hard for me to reconcile that.

In summation, I do not think that the argument put forward, or any that come behind, are founded on common sense, it is not founded on law because, as I have already shown, the same order that makes the abolition of Capital Punishment possible can revoke it. So it is not founded on legal strength. Their arguments are not founded on common sense because they should know that there are people who wish them to do something on this matter. So, on the other matter of it being a threat to our dependent territory position, it is a farce and I think that I have proven that quite well with the document before the House and the communique from the United Kingdom Government and the normal trend of constitutional development for our territory.

So, Madam Speaker, I will only say what one of the most distinguished of all British Jurists said, and I quote:

"The punishment inflicted for grave crime should adequately reflect the revulsion felt by the great majority of citizens for them. The ultimate justification for any punishment is not that it is a deterrent, but that it is an emphatic denunciation by the community of a crime. From this point of view, there are some murderers which in the present state of public opinion, demand the most emphatic denunciation of all, namely, the death penalty."

Madam Speaker, that was said by no other than Lord Denning, as I said, one of the most distinguished of all British Jurists. That, in my opinion, sums up my case, and that of the Mover, and I certainly ask Members to do whatever they can to assist us in the steps we are taking.

Thank you, Madam Speaker, for your indulgence, I certainly thank the House for theirs.

**THE SPEAKER:**  
Cayman.

The Second Elected Member for Cayman Brac and Little

**MR. GILBERT A. McLEAN:**

Madam Speaker, I rise to speak on Private Member's Motion 10/93, Capital Punishment which, in effect, requests the United Kingdom Government to reverse its Order whereby it abolished Capital Punishment in these Islands.

Let me say at the very beginning, that the appeal made by the last speaker, the Honourable Member for Health and Human Services, to join him and his colleagues in bringing the death penalty back on the books and, indeed, using it in these Islands where, to the best of my knowledge and understanding, it has not been used before, certainly does not appeal to me and I will not be joining what appears to be a happy throng who believes the best thing for this country, at this stage, is to have the death penalty in the Cayman Islands.

Madam Speaker, I agree with two speakers prior to this, namely, the Fourth Elected Member for George Town and the First Elected Member for Bodden Town, in that this exercise is absolutely futile. I think it is unrealistic and it really should not be before this House, the reason being that unless these Islands are prepared to have constitutional change which, supposedly, the Government says it does not want, then this House cannot, or this country, or this Island cannot have such changes in it.

The United Kingdom, after centuries of the death penalty, chose in 1965 to abolish the death penalty for a period of five years. Prior to that period the Parliament of Great Britain passed, again, a motion that the five years should not expire on the 16th of December 1969, and the death penalty for murder has been removed from the laws of the United Kingdom.

As far as I am able to discern, and as I listened, this debate on the death penalty for the Cayman Islands has wandered off into all sorts of areas - from the Thesis of the First Elected Member for Bodden Town, to why every Member in this House should support the death penalty. Madam Speaker, I recall the instance, as well, when we were told by a Mr. Gordon Baker, at the time (1991) that if we wanted to have the death penalty what we would necessarily have to do. Certainly the reference to another

gentlemen, whose name I do not remember now, but was mentioned by the Honourable Member for Health and Human Services, I have no recollection of being at such a meeting and of him giving assurances that these Dependant Territories, including these Cayman Islands, could seek the death penalty without making the necessary constitutional changes.

The Honourable Member for Education and Culture and Aviation made certain remarks when the question of the Bill of Rights was being debated, and these were quoted by the Fourth Elected Member for George Town. I basically agree also with the points made there. However, as is most natural and normal, these remarks were being made in reference to myself, for I find myself, ever so often, in pathetic fashion labeled, and have certain remarks directed at me regarding our present constitutional status. I believe that this question of the reinstatement of the death penalty has a strong constitutional implication. All that I will say in respect to myself on the question of constitutional change is that unlike a large majority, I believe, of Members of this House, I forthrightly state what I believe on any particular issue, including the Constitution. Should I ever believe at any point that it is necessary for any changes to the Constitution, in any respect whatsoever, I will state them, as I have stated them in respect of the recent review of the Constitution.

However, one cannot lose sight of the fact that the Government of the day is acting contrary to its role of submission to the superior parliament of the United Kingdom in various respects. It did not like the Constitution written by the British Government for these Islands, they wrote their own. They do not like the fact that the British Government, by Order in Council, abolished the death penalty in the Cayman Islands, they want to reverse that. So, while they are saying one thing about their endearment and their acceptance of the position of being a Dependent Territory, and staying in its colonial state as it is, they are doing absolutely the opposite.

It is also normal for the Government to accuse other Members of that which it is doing itself. For, as has been pointed out by the Chair, only today, this thing of independence is something very, very farfetched. Certainly, if that is the wish of the Government of the day, to make this change, they should make that clear to the population of this country. It is my contention that many things that are on the hidden agenda for this country are not clearly put forward before the public.

Madam Speaker, centuries passed by and the United Kingdom had to deal with the situation of the death penalty for an array of actions in the United Kingdom. To the extent that people have been put to death in that country for cutting down a tree. They saw fit, they, in their wisdom, believed that the time had come to change the position on the death penalty in England. Time and again, the House of Lords, particularly, shot down motions where requests were made to abolish Capital Punishment, even where reports were made as to the harshness and the unreasonableness of the death penalty in England, like for picking pockets, defacing Westminster Bridge - all of these incurred the death penalty - shoplifting, the works. However, the United Kingdom did see fit to change it for murder, the ultimate crime. From some statistics which I have been able to acquire, I see where in 1965, there were 513 trials for homicide, and for murder, there were 173 murders. In 1966 there were 179, but in 1967 there were 166. So, I think the fact that the British Government at that time, and even now sticks to the fact that there is no proof whatsoever in what I have heard stated here in various instances - the belief of Members that the death penalty is a deterrent - the facts do not bear this out.

As I mentioned earlier, I know of no instance where the death penalty was administered in these Islands. Over the years, and in years passed, long term prisoners were sent to Jamaica and if indeed there was an instance of hanging, then this would have been carried out in the Island of Jamaica. However, we must realise that we have moved from a position where these Islands were a dependency of Jamaica and I doubt most seriously that the independent nation of Jamaica would even consider doing such a thing for us at this point in time, particularly where they are having serious problems of their own in the question of the death penalty for murder. The most recent case pertaining to that territory is the case of Earl Fratt and Ivan Morgan, which has seen the landmark ruling of the Privy Council regarding persons who are sentenced to death and where, it is my understanding of the ruling, it is said by the Privy Council that persons who are sentenced to death should suffer that fate within a period of five years, all appeals and all other processes having taken place during that period. Should it be otherwise, then the taking of their life should not be carried out.

We have been talking here in this Legislature for the past two days about the taking of life. Not only does that have implications for us locally, but also in terms of international law. For example, the Universal Law Declaration of Human Rights says, "Everyone has the right to life". We take the American Declaration of the Rights and Duties of Man, it says "Every human being has the right to life". If we take the International Covenant on Civil and Political Rights, which relates directly to us, it says in section 6(1): "Every human being has the inherent right to life. The right shall be protected by law. No one shall be arbitrarily deprived of his life."

In subsection 4 it says: "Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases." Subsection 5 states: "Sentence of death shall not be imposed for crimes committed by persons below 18 years of age and shall not be carried out on pregnant women." Subsection 6 of section 6 is interesting, in that it says: "Nothing in this article shall be invoked to delay or to prevent the abolition of Capital Punishment by any state party to the present covenant." The United Kingdom has seen fit not to invoke or delay the abolition of Capital Punishment in the Cayman Islands any further.

I would like to address a few points on this question of the death penalty in the Cayman Islands, as I have heard it discussed in here by some Members, and as I hear it discussed in some instances within the precincts of this Honourable House and its compound. It seems that there are those among us in this House who have some fervent belief in certain parts of the Bible, and take absolutely literally what it says in some sections, in this present day and age - an "eye for an eye", for example. It has been stated that that is the way it should be, that is what should guide us here in the Cayman Islands. Since this debate has started, I

have also heard Members say that the Ten Commandments says, "Thou shalt not kill", therefore, it is wrong for an individual to kill another. I have not heard, however, any Member quote that section of the Ten Commandments that says, "the State shall kill as it believes fit".

Madam Speaker, when we reflect back on what history tells us of the Bible times, there were a multiplicity of actions within the society of those days for which death was the penalty; adultery, some instances; having a contrary view to the religious state of affairs of that time. Madam Speaker, there were many, many instances where the death penalty was the choice to be inflicted. What amazes me is some of the remarks I have heard here in this Chamber since this Motion has been debated. It seems to be a great anxiety to kill off some of our own people - those who wrongly have killed someone else. However, I still go back to the stated position, as I have heard, and as in the Ten Commandments, "Thou shalt not kill". So, if it is wrong for the individual to kill one individual, then how is it right for the State, or the Government, which is also made up of people of that country who are individuals themselves, how do they take such God-like power to determine that they are going to kill that other individual?

Madam Speaker, it would be good if some Members of this House could stick with a situation, where they state they believe in one thing, instead of doing directly the opposite on another. The Mover of this Motion (the Third Elected Member for West Bay) and the Honourable Member for Education, in 1989, in talking about life and the taking of life on the question of abortion, made certain statements. The Mover of the Motion referred to the question of abortion, again, of being murder and its implications, and so on.

I would just like to quote a few statements on points that they made in the Dissenting Statement in the Report on Abortion, which is on this same question of life and taking of life. The statement says, in one paragraph: "Having requested the public to give its input in this very important matter, we find that the overwhelming majority of persons feel that the present law on abortion should stand as it is and not be changed.". My question is, if these Members wished to do what the public wants by its overwhelming statement for or against, then this matter of Capital Punishment could have ideally been put into a Select Committee where testimony could be taken - just like the Government has put to rest the Bill of Rights in a Select Committee. Why was it not done, is the question?

In this Dissenting Statement also, it states: "The question is the right to life, not the quality of life.". I agree, Madam Speaker, that there is an inherent right to life. Another statement they made: "A life cannot be valued in dollars and Members of the Committee should put more stress on the value of life rather than worrying about the few dollars that will be spent on the three persons each year who may need special treatment.". Madam Speaker, my argument is that life cannot be valued in dollars, about how much money might be spent on prisoners who might be serving life sentences in Northward, but, rather, on doing things which will discourage the motivation of people to murder in this country.

Another statement: "In any event, the Committee's time could have been much better spent dealing with providing facilities for those unfortunate children who needed it.". I say that the time of this House could be better spent by providing facilities such as housing, and opportunities for work and learning of skills for those who are caught up in the business of committing murder in this country.

Lastly, this Dissenting Statement says: "The education of parents and the urging of health checks before marriage is good, and should be developed. Prevention is better than the obvious cure of killing.". That is what the Mover of the Motion said about the matter of abortion, and the Honourable Member for Education. Now, if it is so wrong for a woman who may choose, for whatever reason, to have a termination of pregnancy, that is such a crime when it is a fetus, an embryo - it has not come to the light of day nor in human form - if it is so sacrosanct then, I want someone to tell me how it is so perfectly right to do when that person is on this earth and 20/25 years old? Madam Speaker, it is absolutely contradictory.

The whole religious argument is contradictory because we are talking about times, the Bible times. Let us be guided by the principles of Christianity, for those who argued this point of view, which says, "You must love your neighbour as yourself", and "Do unto others as you would have them do unto you", and all of those good Christian instructions. How then can we, if we are the Christian nation we claim to be, be in this House today talking about getting the United Kingdom Government to reverse its Order that we can start killing our own?

Madam Speaker, this matter of a life for a life, or of killing someone because they killed one of our own, or somebody else, is strongly emotional. Anybody, when hurt or injured, wants to hurt back or injure the person who did that to him - they want vengeance. That, as one Member said, gives the greatest satisfaction. It certainly does. But, if they do it themselves, let us say someone has a relative murdered, and they do it themselves, then they are also guilty of murder. Where does the State come in to take up on behalf of that individual to do something that is individually satisfying to the person who is alive and who may be a relative of that person who has died? My contention is that when the State, these Islands, or any country anywhere, takes up that action, they are acting out a scenario that they are satisfying some individual vengeance and, overall, the country is not being helped where the State undertakes killing.

The advocates here of the good thing to be gained from killing people who kill, or having the death penalty for murder, I believe is done on the basis that they themselves would never commit a murder, or that no friend or relative of theirs would ever do so. Like most things in life where we as individuals sit as judge and jury as to what should be done is because it is going to happen to the other guy, it is not going to happen to us. The truth is, that in this life, no one can be sure what will become of them. What in that particular moment in time their mind may direct them to do even too, the taking of a life, whether that be a crime of passion, or whatever, we do not know. I argue, that many of the strong advocates for the death penalty being reinstated in this country are convinced that it could never happen to them or theirs. If it did, it would be a completely different state of affairs - it would not be good then.

I reflect back a few years ago, of a case in the courts here in this Island where an individual entering the Island brought the illicit drug of cocaine stuffed in an infant's pampers. The individual was convicted and sent to prison, given a rather lengthy sentence. I am aware that the relatives of this person went to every extent to have that sentence reduced so that that person, who had erred seriously, did not have to spend the full sentence. It was about this time too, that the Government of the day brought a motion to this House to amend the law which allowed a person to get paroled, or to come out of prison after spending one-third of the sentence. Now, if that can happen where a person is serving a limited sentence, what more would those involved in this particular case have done, if that person was in Northward Prison waiting to have his neck broken by a noose? Madam Speaker, so long as it is the other person, it is all right. But when it happens to us, to ourselves, it is a different story altogether.

You know, the only reason this motion is here is for political gain, or belief of some political gain. The public is going to like the fact they think we are doing something. I have heard the argument, in fact, I have had two people whom I have a great deal of respect for, men much older than myself. One came to my house in the early morning one Sunday morning and said he wanted to talk to me because he believed I was trying my best in calling an ace an ace, and he is generally supportive of my attempts as a Legislator. But he said to me, "You beware that this Motion on Capital Punishment is coming here [going to the House] for political reasons and I hear that you are not going to support it, so they are going to say that you are soft on crime." That was told to me, Madam Speaker. I believe that one of the motivating factors here is that the Government and its supporters believe that politically they will say, "Oh, we are doing something". What are they doing? They are trying to do the impossible - to get the United Kingdom Government, and Her Majesty the Queen in Council, to reverse Her Order in Council on, of all things, the death penalty.

Let me say that I am soft on nothing, including the rearing of my children and everything else. I call it just like it is, and insist that it be done in a particular way. Crime! If it were left up to me and I had the opportunity of being where some of the Members of the Executive Council are, there would be more done than is being done because it does not matter to me who really gets offended, or who is prepared to say that it happens that way in England and the United States, so it is no different with us. That, I believe, is a strong motivating factor.

I would ask the question, why, instead, does the Government not make it clear that all of the things talked about are going to be done? That the police action against crime is going to be insisted upon; that tough policemen will not be allowed to break the law or be abusive of persons, but support them fully, and we would not hear of instances where some police officers are being told that they are getting a bit too rough or too insistent. Why, instead of one boat to intercept drugs - because all of our cases of murder relate directly to drugs - why is there no action right now at this time - effort, not talked about, but being done - to stop the situation with drugs coming into this country?

Madam Speaker, this Motion before this House, talking about having the death penalty on the books because it is going to frighten persons from committing murder, is ridiculous. There is no proof in any study, in any country in the world, that it has proven that the death penalty for killing others by the State stops them from killing. We hear of Arab States where for stealing there is dismemberment. I am told that in many of these states there are people without hands and feet, a leg, or whatever. That is evidence that even though they know they are going to lose the hand, they steal. If we want an example, and I am sure there will be an influx of people going between now and the 25th of this month to the state of Florida, they are killing over there like it was going out of style. Thirteen, 14 and 15-year-olds are murdering over there. They have the electric chair, did it stop them? The latest victim I heard about was a British tourist - she and her companion, sitting in the car at a rest stop, and three punks came up and pumped them full of bullets. That is how scared they were of going to the electric chair. And, if they go, is that going to stop another three if they do not change the mental outlook? That is what we need to do in this country, Madam Speaker, change the mental outlook.

Statistics here show that since 1988 to the present, eight people were convicted of murder. Prior to that, it must have been a generation, at least, that had passed before a murder was committed. It was done by someone who had their life sentence commuted. So, when I hear terms about the "spate" of murders - spate. Madam Speaker, when I look up the meaning of spate, it is more than two people being murdered a year, not that any should be, but when we talk about spate of murders, we are talking about murders right and left in this country. That is not a fact. Robberies - oh, there are robberies of all sorts, and so on - one murder in recent years was committed while a robbery was going on, but we do not have any "spate" of murders. Of course it alarms us, it concerns us, it frightens us that it is happening here at all, and that is good - that we are concerned and worried about it. That way we then can seek to do something about it.

The fact that we are talking about the Government undertaking to kill one person that has killed, it is no deterrent whatsoever. If one wishes to say it is an equation, one to one, fine. But someone getting up and saying they believe it is a deterrent, they must base that on fact and there are no facts to support it.

THE SPEAKER: Honourable Member, would this be a time to take the suspension?

MR. GILBERT A. McLEAN: Yes, Madam Speaker.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:35 P.M.

## PROCEEDINGS RESUMED AT 3:57 P.M.

## THE SPEAKER:

Please be seated.

The Second Elected Member for Cayman Brac and Little

Cayman continuing with the debate.

## MR. GILBERT A. McLEAN:

Madam Speaker, when we took the suspension, I was generally referring to the fact that there is no study or statistical proof that the question of Capital Punishment or that the death penalty is a deterrent to the committing of crime. This is no less the case in the Caribbean, for Trinidad, Barbados and Jamaica have the death penalty for murder and now those three independent States will have to make certain changes to the carrying out of executions because of the Privy Council's ruling I referred to earlier. Certainly, if the death penalty hindered murder, there would be no people on death row facing execution.

It was stated at the presentation of this Motion that we are a party to, or would be with other dependent territories who have taken steps to pass a motion similar to what we are attempting here today. It has been pointed out by the Fourth Elected Member for George Town that information available from these territories does not support the statement that these other territories have debated and passed legislation requesting the United Kingdom to do what we are here asking for. That is very significant, because some of these territories, such as Montserrat and the British Virgin Islands, have a more advanced Constitution than we do. They have the Ministerial form of Government. We are at the stage of Member responsibility and supposedly again, we do not want to go any further than that, although on the other hand we are writing our own Constitution. These other territories have a more advanced Constitution than we do. The Turks and Caicos as well, but they have not done it. So, it does not hold true that what we are doing here is in keeping with the other territories.

We know that Bermuda has a Constitution which absolutely peters on the point of being an independent State, and they have cleverly been able to keep it that way, although I am sure that there are Members here that can attest to the fact that in 1990 on a visit to the Foreign and Commonwealth Office it was clearly told to some of us (seven of us) that that will be the only instance of such a thing happening, no other territory need believe that it will fare as Bermuda did to, as one would say, totally enjoy two worlds.

Madam Speaker, in this regard, the Honourable Member for Health and Human Services, when he was speaking, spoke of the report of the debates in the Virgin Islands, which he Tabled, of Tuesday 31st May 1991. He read a section, where it was purported, Mr. Lavity Stout said that, and I would just like to quote it to make a point that immediately follows: "Mr. Speaker, I want to assure you that we will remain optimistic, we will remain optimistic. Where there is a will, there is a way. Where people are determined to work together for the common good of the people of this country, we will succeed." Another Member, a Member for the Fourth District, immediately following that statement by the first speaker, said:

"Mr. Speaker, I wish I could share in that optimism, but I figure in my mind that we are still beating a dead horse. What has been done, has been done, and no amount of noises and whatever representation is going to make Britain change this thing. As one Member said, we should be seen to be making the noises in any case.

Mr. Speaker, we were told that in Britain over 70% of the people would like the death penalty reinstated, 70 per cent of the people. Those 500-odd Members of Parliament just said 'May the people be damned.' That is 70 per cent of the people they represent in Britain, so who are we? We are only just a few thousand scattered on a couple of little rocks in the Caribbean. They are not going to change anything for us, no matter what we do, unless we get them to change it in Britain for themselves, we are going to face the same problem here."

Madam Speaker, I share the view of the Member whom I have quoted there in the *Hansards* of the British Virgin Islands' Legislature, which was quoted earlier (parts thereof) by the Honourable Member for Health and Human Services. There is little doubt in my mind that we, as we presently are, can expect to have the United Kingdom Government change something so controversial that it has had to deal with because there may be those people in this Legislature who claim that by our requesting the United Kingdom to change it we will be seen to be doing something about crime.

Here, Madam Speaker, we talk about crime. There are different types of crime. There is robbery, there is embezzlement, there are a multitude of crimes, and murder is among the least committed here in this country. I argue that murder is the ultimate crime and that it happens because there are certain causes that cause murder to occur. We cannot treat symptoms, we have to go to the causes, and there are many in this country which lead to this situation.

Madam Speaker, there is no doubt in my mind that these Islands have seriously changed culturally and socially over the last decade and more. These Islands, while they are a British Crown Colony, could hardly be counted very British in its outlook and its social structure. These Islands have been heavily Americanised because of investments by Americans in this country, by the fact that we travel between here and the United States so often and hundreds and thousands of Americans travel into these Islands every year. Because we have adopted, to a very large extent, the American way of strong consumerism, we have changed our values, the things which now we, as a people, see as making us somebody, are more related to material things - you have to have a Mercedes Benz, or you have to have a house and an apartment, you have to be living a certain life-style, even if one is heavily indebted to the bank to do so. It is a show. We have lost that sense of practicality, in my opinion, that we had before as a people, which was handed down to us by generations,

where we spent what we had and we did not go beyond our means. We did not believe that simply because someone in our community here has a lot of money and he can provide countless toys or cars or bicycles for their children that all of us have to do the same.

The Americanising of the Cayman Islands has been extremely strong. No right-thinking person for one minute would ever attempt to say that the influence of American television on us has not had a serious impact. There was a study in Canada several years ago that proved the serious impact, there was volumes of it done, to prove beyond doubt that the Canadian social and cultural structures were being seriously affected by the number of American programmes that were coming over on Canadian television. At that point they began to produce more of their own.

We, in these Islands, are in a situation where many households live for the moment in the day when they see "The Gulding Light", or "As the World Turns", or some big movie that is coming up. Most of the movies now are all exceptionally violent. We have a Cinematograph Law, and we have a Board. I seriously believe that that Board could wisely look at rating some of these films over and above the ratings that are sent here to us from the Motion Picture Industry and to see to it - like I have seen, for example, at the movie house here in this Island - that certain films are not viewed by 13 and 14-year-olds, like I have seen on occasion where the movie is rated "R" and children - laughing, clapping and squealing in laughter - are watching these kinds of movies. They are not necessarily thinking that that is violent and, "I really should not do that". They are doing it because it is the style, the star does it and the star is a good guy - he shoots down whom he needs to shoot down. Have we taken a close look at the facts - that just about every crime where there is any kind of violence, it comes to the use of a firearm?

I can think of no murder in this country that has not been committed without a firearm. It is easy to do so. A person can be murdered at a distance and, of course, all the good guys, the "stars", pack their weapons. Even while that does not happen in real life, when someone is trying to escape they are shot down in the back, because in real life, in the United States, that type of thing is not condoned, if a police officer shoots down someone running away from him, he has to answer before Internal Affairs within the Force. The young people of this country are not thinking about that. They do not understand the implications of that, and some of the things portrayed there are absolutely not founded in fact, so they adopt it.

What is the Government doing about clamping down on the number of illegal guns here? I know that a day or two ago a Law was passed dealing with firearms. The Firearms Law was amended making some of the most serious sentences I believe that one might find in the western hemisphere, both in fines and imprisonment. But, the same persons who can tell us, as Legislators, about illicit guns, and so on, that are in this society, are they assisting the police identifying who has them and where? Or, will that Law come down the hardest on people who have had a firearm for years, and who honestly do everything in the world to assist in the prevention of crime? They could be caught in it and, if I am not mistaken, no discretion is given to the judge in deciding the punishment in those cases.

Madam Speaker, we cannot separate the conditions which make murder in this country. In this country today, we have lost the respect that we had for each other to a large extent, individual respect. Now you will find a 10 year old, or an 11 year old walking past a 50 year old adult, using some of the most foul language before them, and at them. Adults nowadays, generally speaking, are not saying to a child in the community, "Young man (or young woman), you are doing something wrong, you should not be doing that", they are cursed up and down and crosswise because of it. It is emanating from the family - what they are lacking in the family. Until such time that adults or parents, understand that it is an act of love, supervision and protection to insist that their child be respectful to other children their age, to them, and to other adults in this society, then our situation continues to deteriorate and there is no value or respect paid to the individual to their face and certainly to their lives.

I believe that rather than seeking the death penalty to be reinstated in the Cayman Islands where it was not used before the Government would be better off starting a programme in this country aimed at getting back to the values we had and cherished and regarded in this society before. The Cayman Islands never came about through violence. We never had to fight any revolution to overthrow any forces that had us subjugated. We achieved what we achieved because of honest hard work, where a man charged for his labour what was just and fair and in turn he gave what was just and fair. Nowadays that is not the case. One employs young men, let us say in the construction industry, where few have tools. His tools are usually a diamond earring in one ear, some gold ropes around the neck, some long-john shorts that are just below the knee and a T-shirt. That is a reflection of what and where we are.

If one should ask them of the history they learned in school, they know very little. If you ask them what is happening in the country now, they really do not have a clue. But they can go to the disco and drink, use drugs, and so forth and so on, because, I argue, they themselves are not very much convinced about who they are, or what they should be.

Madam Speaker, if we cannot institute good manners and respect for one another in this country, murder will continue. If we hang everyone who murders, they will continue to murder as long as they do not have that regard and respect for another individual and for another human's life. It has been that way for a long time. I have heard my colleague, the First Elected Member for Bodden Town, often argue the point about the Cayman Islands being a matriarchal society, which is true. It has been our history, where the women of our country managed the home, managed life generally while the men were away at sea. But, generally speaking, the men were responsible in that they did provide the money, even if they did not provide that much time and attention to the other household duties and the rearing of the children. It is proven from studies of other societies, and certainly in ours, the situation can be helped if we can get across, through the Social Services or through programmes on Radio Cayman and the local television station, that developing and nurturing a family unit is a protective armour and a survival mode for all of us. Included in that must be all of the various virtues of



being good citizens.

I remember years ago when part of the education programme was Civics. As school children we were taught various things about our Government, about society, who was who in the various offices and so on - please and thank you, and so forth and so on. Much can be done through education. I believe that we need to seriously look at developing in our education programme, programmes which address the needs of the people of this society at this time, and begin addressing it through the children of this country. In so doing the Government can positively help where they identify children who come from financially strapped backgrounds by offering situations that help improve their living standards, their accommodations, training them in a way that they can earn a living so that they will not be tempted by stealing and, in the process of stealing, committing murder.

Madam Speaker, we would not have situations in this Island, such as related by the Honourable Member for Health and Human Services, such as the incident he cited in Quebec. The penalty for murder is life imprisonment. That does not mean 12 or 15 years, it means that for every day that a person is alive he will be in prison. He will be in prison, and he will live and he will die in prison. So there is no question of parole for the people who are presently in Northward Prison. There is a life that is hardly a life, there is little hope. As I think one speaker mentioned earlier, they are there forever. Unless the Government intends to change that situation, where life imprisonment here means that it will be 12 or 15 years which, I understand, works out to be the basic life term of imprisonment in the United Kingdom, there is no question of parole. So no one should attempt to misinform anyone by saying that if the death penalty does not come in here and the Government is in a position to kill those who kill they may come out on parole and kill again. It is untrue. There is no such situation within the Cayman Islands.

There is no such situation in this country anymore. Certainly it is against international law to even conceive that we can take our prisoners and send them to another country to serve penal servitude. I am sure that any lawyer would confirm that. The arrangement with Jamaica, to the best of my knowledge, is long gone.

Madam Speaker, some of the arguments that I have heard made here so far, are seriously flawed to say the least. It is not, as the Honourable Member for Health and Human Services has stated. It is ridiculous what is happening under the guise of human rights, because things such as sending Caymanian citizens away to go somewhere else to serve penal servitude is off, it is out, it cannot be done.

Madam Speaker, it is a question, yes, that the people who make the laws which supercede our own are thousands of miles away. As long as the Government, or anyone else, claims that they wish to be a colonial territory of England, that is the way it has to be.

HON. W. McKEEVA BUSH:

Nonsense.

MR. GILBERT A. McLEAN:

If the Honourable Member for Health and Human Services believes it is otherwise the situation reverts back to that situation where certain steps can be taken that this country has the ultimate say and that is, supposedly, what we do not want.

#### MOMENT OF INTERRUPTION

THE SPEAKER:

within a short time?

Honourable Member, it is now 4:30. Would you be finished

MR. GILBERT A. McLEAN:

No, Madam Speaker.

THE SPEAKER:

I will ask for the Motion for adjournment. Honourable Member for Tourism, Environment and Planning, Leader of Government Business.

#### ADJOURNMENT

HON. THOMAS C. JEFFERSON:

House until 10:00 tomorrow morning.

Madam Speaker, I move the adjournment of this Honourable

THE SPEAKER:

The question is that the House do now adjourn until 10:00 tomorrow morning. Those in favour please say Aye... Those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 2ND DECEMBER, 1993.

**THURSDAY  
2ND DECEMBER, 1993  
10:03 a.m.**

THE SPEAKER:  
say Prayers.

I will ask the Honourable Temporary First Official Member to

#### PRAYERS

Let us Pray.

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

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

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

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.

#### ANNOUNCEMENTS BY THE SPEAKER

THE SPEAKER:

Please be seated.

Proceedings are resumed in the Legislative Assembly.

First of all, I have an apology for the absence of the Honourable

Leader of Government Business who will be in later during the Sitting, as well as from the Honourable Elected Member for Education and Culture and Aviation who will probably be absent all day today.

I have the pleasure of welcoming the Fourth Elected Member for West Bay from his tour of duty. It also gives me great pleasure to welcome the students from the West Bay Primary School who are here with us. We are always glad to see students visiting the Legislative Assembly which is the most important part of the operations of the Government in these Islands. We hope their stay here will be profitable to them.

Continuing with the Business for this morning. Debate continues on Private Member's Motion No. 10/93 - Capital Punishment. The Second Elected Member for Cayman Brac and Little Cayman.

#### OTHER BUSINESS

#### PRIVATE MEMBERS' MOTION

#### PRIVATE MEMBER'S MOTION NO. 10/93 CAPITAL PUNISHMENT

(Continuation of debate thereon)

MR. GILBERT A. McLEAN:

Madam Speaker, yesterday when we took the adjournment I was debating the question of the reinstatement of capital punishment in the Cayman Islands and I was commenting on the fact that simply treating the symptoms of murder was not sufficient to stop its commission but that something had to be done to deal with the root causes which were certain value changes in our society. I was also making the point that education can, and should, play a vital role in redefining and reestablishing old Caymanian customs, cultures and values.

On this matter of the death penalty in these Islands, great thought has to be given to all of its implications. I do not believe that great thought has been given to its implications. It has been more of a political exercise, for whatever mileage it may be believed it will give, to show that the Government of the day is supposedly doing something about crime, including the crime of murder.

One of the most important aspects of having a death penalty in the Cayman Islands, indeed, of having a death penalty anywhere, is the actual execution of the condemned person. The Honourable Member for Health and Human Services declared yesterday in his debate that basically what he, his colleagues, and the National Team as a whole wanted was to get the death penalty back onto the books and then they would decide how the executions would be carried out. He referred to the use of lethal injections as it is

done in the United States - I think the State of Texas is one which uses that - and he implied that we would not necessarily have to use hanging, referring to what the First Elected Member for Bodden Town had said about the cost of building the gallows some years ago, and what it would cost to again do so. But the execution is a major part of it. It is one thing saying that someone shall be executed, or someone shall be killed by the State if they murder. However, the finality of it all is when the person's life is taken.

I say that the Government of the day has not thought about that particular aspect to any great extent. Or, perhaps, they have and we do not know. Maybe they have. They claimed that the National Team is dealing with everything in the country that needs to be attended to, so maybe they have already designated a hang-man, or a hang-woman. I would not know. Perhaps one of them might tell us. However, in this regard, Madam Speaker, I contend that anyone in the Cayman Islands who might be designated as an executioner, be it a man or be it a woman, that person would become a person in this society whom no one would want to have for a neighbour. And that person's family, and we must assume they would have some, would take on a similar stigma because of the act committed by this person. The very act which the Government says is wrong, and which the majority of the world agrees with (it is wrong to murder), but we would have to use someone in this society to carry the deliberate act of killing someone who had killed. I postulate that any such person would be virtually ostracised in this society.

But, on the other hand, it has been suggested that we could bring someone into the Islands to carry out such a killing or an execution. I wonder what type of person they would be, from what countries, or whether there are executioners as professionals now, legal executioners, that is, I doubt it seriously. So it is a major practical problem and one which will have serious and drastic social effects in whatever neighbourhood or district that person would be chosen from.

Someone said to me a few weeks ago, that there would be no one here who would really want to carry out an execution so someone would have to be imported. That statement says to me that there is a doubt about the rightness or the acceptability of doing such a thing. Another aspect of this is that, certainly, the relatives and friends of any victim of murder are deeply hurt, disturbed, frightened, and all of the terms that might describe hurt and anxiety. I do not for one minute believe that the person who has actually committed the murder would have relatives who would be proud of that person in this society - not in the past, not now and not in the future. And in a similar way as the person who has lost a loved one to murder, the people who are relatives to the person that have carried out the act are similarly aggrieved and hurt. Surely, if it is to any lesser degree at any moment in time when that person who has committed the murder might be murdered by the State, his or her relatives must be in the same trauma. Therefore, the whole killing act is wrong, detestable and unacceptable by the individual and by the Government or the State.

The 'eye for an eye' theory does not solve the problem. The solution to the problem is trying to develop, to nurture and to have people in our society who respect another individual's right to life to the extent that they abhor the act of killing them. It is not good enough to say that all of the murders, or just about all the murders, are not committed by Caymanians they are committed by foreigners. I have heard the statement, but that is not true, for there are born and bred Caymanians that have committed murder over recent years. So we cannot blame the outside people, or those "foreigners" as some like to term it, for this particular type of behaviour. Madam Speaker, it is my belief that if we are to institute the death penalty in this country as some would have it, then we are going to have to do our own dirty work and we cannot rely on or expect anyone else to come and do it for us.

It was briefly mentioned by the First Elected Member for Bodden Town that the cost of building the gallows at Northward was approximately \$5 million, and we are talking about five years ago. So as things naturally run and prices escalate we could easily imagine the building of a similar gallows here would cost \$1 million. Does this country need to spend \$1 million to build a structure to kill two people, and maintain it as it must be maintained for however many years to come (as it must be maintained) and to create in this society a licensed executioner (who must live the rest of his life with his family in this community) to satisfy the motivation of vengeance? Madam Speaker, I say no. I say that has to be wrong. Does that hang-man go back into normal and natural life after that act? Does he go back into what he was before, whether someone in construction, an electrician, an accountant, or you name it? I would not know where they would look to choose him from. But could that person ever be a normal person again, or accepted as a normal person? Madam Speaker, I say no.

The gallows have been used or the block of cells, right down to the horrid part where they had the graves, that when the bodies were dead they would put them, that would have to be reenacted. Do we need that, and do we want that? Let this Government show where going through such horrid action stops murder in this country. I remember, years ago, one of the men in charge of Public Works who was building the gallows (who is no longer there), I asked him why it was taking so very long because it should be a very straight forward situation to build it. He said to me, "You know, when I look at the plans and everything, it upsets me". He said, "I look at the men who are building it and they do not look very happy and pleased to be building it themselves". He said, "How do you expect people to be happy about someplace where you are going to kill your fellow man?" That was several years ago and that gallows that was being built over that number of years never did get to the point where it could be used, supposedly because they could not get a pin for the trap door, or so I have heard. But that could not have been the reason because we have enough machinists here to virtually make any kind of pin. Somewhere along the line people were sensitive, and sensible enough not to want to do what is being touted now as the perfect solution.

Madam Speaker, there is another side to this story as well. What if an innocent person is killed by the State, who was convicted by the Court, but who was really innocent of the crime of murder? That is not farfetched, for we have examples in England in recent times where the court convicted people for murder. I think of the Gilford Four and the Birmingham Six - never a question. I daresay the

British society in general was happy that these territories' murderers had not been convicted. They were satisfied, but it is mooted time and again that if there was still the death penalty in England there would be ten dead people who have since been found to be innocent. It was a problem with the justice system; a problem with the way it was investigated; a problem with the police; a problem with the prosecutors and a problem throughout the system. The system was in error.

I have only heard of one case where the dead had been called back to life, and that was Lazarus, and we know who did that as the Bible tells us. I do not know if there is any in this society who lay claims also to be able to do that. So, Madam Speaker, this is one of the very, very serious things involved with this death penalty. How would the people of this society, or anyone who would be a juror, feel - should they be in a position where they found a certain person guilty of murder? And, we have to bear in mind that juries have convicted their own people in this community in cases before of murder and those persons are serving life sentences in Northward - but how would those juries and the people of those juries feel if, down the years, someone they found guilty or convicted should be proven that, indeed, they did not commit the crime? I do not believe that the National Team party has thought of these things. Not at all. If they have, then they must have some strange justifications for finding such possibilities acceptable.

Madam Speaker, I watched here some days ago, as the question of the exclusion of a Bill of Rights from the new Constitution came to the floor of this House and only four people out of 18 spoke on it. Those that were not absent were in support of it, many were sound asleep, I well remember, because when I rose to speak that was the case. I tried to extrapolate that situation into one where, perhaps some of those same persons, not as a legislator, but at some point in time might be called upon to be a member of a jury while a person's life would be at stake, would they also sleep and not hear the evidence? Madam Speaker, this matter that we are talking about is the taking of the life of citizens of this country who have taken the life of another. But the central issue is, is the taking of a life, in any situation, justifiable? It has been said by the Mover of the Motion that what we presently have is not severe enough punishment for someone who takes the life of another. We have life imprisonment. Madam Speaker, life imprisonment in the Cayman Islands means life until death in a cell in Northward. At this point in time there is no parole. If the Government intends to change the situation where parole will be granted, or that this life imprisonment will equate to the way it is say, in Jamaica or in England, they ought to say so. But, if it is to continue the way it is, anyone sentenced to an imprisonment for life in the Cayman Islands will live for as long as they live in those 4 x 6, or 6 x 8, cells, as the case may be.

Madam Speaker, if anyone can really attempt to visualise what it must be like for say a 20-year old person who might live until they are 70 years old, for 50 years, each day of his life waking up and looking at the bars of a cell never being able to go any further than the usual distance permits, every day of their life, if it is not a punishment or an anguish beyond anything other than that, I fail to understand their thinking.

Madam Speaker, in this country, like in most countries, the public generally believes that when someone kills someone it is murder. But it is not. A taking of a life may be in defence of someone's own life, it may be an act of rioting or war as the case may be. There are various instances when a person takes another person's life and it is not murder. It might be manslaughter, or the other variations which the legal fraternity has devised. The legal fraternity understands more clearly than any just what the concept of murder is all about, because it is the legal fraternity, the courts and so on, that decides if it is murder or not. But because the public in general feels if someone killed someone he murdered him, the Courts get criticised when they may find that the person really did not commit an act of murder. However, in the Cayman Islands at this time, what I believe concerns the citizens of this country more than anything is the whole scenario of the number of killings that have come about, when there is not any convictions of persons for the killing.

Here, Madam Speaker, I want to state that I believe, like there is a maxim in law which goes something to the effect that, "it is better that a guilty person be freed than to take an innocent life". So if there is a case of persons accused before the court and the evidence cannot show that they are guilty, I believe those persons should be acquitted. And that is a serious bone of contention in this society right now. Up until last night I heard someone talking about it and it is said, "Oh, anyone can kill now and get away, you see 'so and so' was let go and 'such and such'". A person being accused and a person being convicted are two different things. If evidence is not there to convict a person, the person should be acquitted.

This brings me, Madam Speaker, to the point that if the Government wishes to do something positive it should do something about reviewing the policing system, as to why there is not sufficient evidence gathered in cases where persons accused of murder may be acquitted; to see if the investigative process can be improved and that when a case goes to the Attorney General's office for a decision for prosecution that the evidence is sufficient to convict the person. There needs to be a review to see if, by chance, the police are taking the attitude, "We have arrested 'A' for it because we know he is a bad egg and we have certain evidence that shows he was there and he is the one", and so forth and so on. But the court did not find the evidence sufficient to convict the person. We need to know that the investigative system of the police is open-minded enough to go back and review the evidence and the facts of that case to find if, indeed, it may not have been someone else that was the person who committed the murder, and not to feel itself that it was embarrassed or that it got a black eye because of it. Let justice be done!

I believe, Madam Speaker, that this society understands very well, and they do not want an innocent person to be found guilty but they would be very supportive and happy to know that where an acquittal might come about of a person accused the police would investigate the evidence and the facts of that case with the same vigor as they did originally where it might prove that indeed it is another person. What I believe this society wants more than anything else at this point in time is for convictions where there have been instances of murder, not necessarily convictions of the first person accused but of the persons who actually did the killing. So, I believe that there is an absolute need for a review of the legal system.



days, they have also voted. On this one, Madam Speaker, I do trust that the Elected Members will not expect the Official Members to vote on this issue and if they vote, they are free to vote on a vote of conscience.

Madam Speaker, I thank you. I do not support this Motion for the reasons I have given.

**THE SPEAKER:** I will suspend proceedings for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:07 A.M.

PROCEEDINGS RESUMED AT 11:27 A.M.

**THE SPEAKER:** Please be seated.  
The Honourable Elected Member for Education and Culture and Aviation.

#### STATEMENTS BY MEMBERS OF THE GOVERNMENT

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker.  
I would just like to say a very short thank you to the John A. Cumber Primary School students who are with us today at the Legislative Assembly, and I would like to read two very brief letters from them. This was sent to two different MLAs and I quote:

"Thank you for providing services such as fire service, police protection, social services, medical services, educational facilities and public works.

ExCo Members, a special thank you for making sure these services are effectively run. Without these services our Islands would not be as beautiful and safe as they are today.

Please continue to work hard to improve and maintain these services."

The other letter says and I quote:

"I attend the John A. Cumber Primary School in West Bay. I am writing this letter to thank you for all the wonderful things you have done for our beautiful Islands.

I will do whatever I can to keep the natural beauty, cleanliness and peacefulness of these Islands."

Madam Speaker, as the Member for Education I would like to thank the students for those kind words. The Members of this Honourable House realise that these students and other young persons are our country's future. We realise the importance of educating and protecting them and we thank God for them that they can grow up in a God-fearing and safe Cayman Islands.

**THE SPEAKER:** Thank you, Honourable Member.  
Please continue Honourable Member for Education and Culture and Aviation.

**HON. TRUMAN M. BODDEN:** Thank you, Madam Speaker.  
Madam Speaker, the Motion before this Honourable House relating to Capital Punishment is, in my opinion, a Motion that is properly set out. The Resolution part of it states and I read:

"... that this Honourable House respectfully request that the Government of the United Kingdom will take all necessary steps to revoke the Order in Council in relation to the Cayman Islands;

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

Madam Speaker, this is no different from other Motions that have been before this House, and indeed is no different from the Motion on the Constitution that has just been passed in this House. It is very simply a request to Her Majesty's Government to review its revocation of the death penalty in the Cayman Islands.

The approach taken by the Opposition to this Motion is, in my view, unfounded. There is nothing in this Motion that is, in my opinion, not proper because at any stage that this House feels that any aspect that relates to us that is dealt with by the United Kingdom should be reviewed, especially one which is of such public importance as this Motion, which is so current and immediate with the

problems we have in crime, should be brought to this Honourable House.

It is, in my view, a myth to believe that every motion that is brought to this Honourable House has to be one that will be passed and will be fully and effectively carried into effect. The Members of the Opposition, especially the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town, bring motions to this House every Session that they know they have no hope of getting through, but it causes public debate on the matter. So, it is, in my view, wrong to say that the only time you should bring a motion to this House is when it can be effectively put through, and something effectively be done. That is not what this House sits here alone for. It is a forum by which matters of important public interest must come and, whether a Motion is passed or not, is, in my view, not necessarily the only aim of motions in this House. There are three or four motions here this time that those Members had to bring, probably knowing they may not be supported.

So, to try to say that the only way we should have brought a motion on capital punishment to this House would be if we felt absolutely sure the United Kingdom would accept it is, in my view, wrong. That is not what this House is here for. In fact Madam Speaker, we just passed a Motion requesting the United Kingdom to put through the Constitution, and the United Kingdom came back and said, "I am sorry we are unhappy with the Bill of Rights would you take it out." So every motion that is brought to this House under the democratic principle is one that carries with it a certain amount of uncertainty, some more than others. But, because you are not certain that a motion is going to pass, does not mean that you should not bring it. There is a risk involved in everything that is done. When one walks across the street, one runs a risk; when one invests in a business, one runs a risk; if one brings a motion here, there is a similar risk - it may pass or it may not.

The important thing about this, Madam Speaker, is that this is a very important matter that is very current in the Cayman Islands, and the people of the Cayman Islands are asking for results by this Honourable House. Regardless of how certain or uncertain we may be, whether the United Kingdom may accept this Motion or not, I think it is important that it is brought to this House and debated. In fact, the United Kingdom has consistently kept the question of capital punishment. Year after year they came to the Cayman Islands, before it was abolished, and they would say, "Would you please review it." We are saying the same thing to the United Kingdom, would you please review it. We have problems in our country and one of the things is that we have to send a message to criminals that crime does not pay, and that crime is going to be dealt with severely by Members of this Honourable House.

So, I would feel, Madam Speaker, that we need to get away from the technicalities of the Motion and accept that motions that are brought to this House, or requests made to the United Kingdom, may or may not be accepted. The important thing is, if this Motion had come in another form, then the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac could have been in a different position to attack it. If this had been an attempt to pass positive legislation to reverse what the United Kingdom did, which we have no power to do, then, yes, that would have been wrong. But what this Motion is merely saying to the United Kingdom is, please review the death penalty, we have problems in this territory and we feel that this is one of the ways that that problem can be dealt with. So, it cannot be given as an impression to the public that this Motion is one that has been brought here and the impression given that the United Kingdom must pass it because we are passing a Motion. That impression is not correct and I draw issue with the Fourth Elected Member for George Town that there is nothing in this that says that we are passing anything positively to try to reverse a United Kingdom's Parliament Order in Council. We cannot do it. What we are saying to the United Kingdom is, "Please review the abolition of the death penalty in relation to murder."

Madam Speaker, I think one of the important things that we have to look at in our relationship with the United Kingdom, and I would like to mention this because whether I have suddenly become (as far as the Second Elected Member for Cayman Brac and Little Cayman said) some absolute authority on Constitutional Law, what I have said in relation to the Constitution is correct, and I stand by that - that we cannot do anything here that is going to be contrary or ultra vires to the United Kingdom's International Treaties, Convention or commitments, or naturally, in this case, Order in Council. That is correct! But this Motion is not an attempt to deal with a Statutory Instrument, or an international convention, it is a request. And, quite frankly, they make requests to us at times, I think we are entitled to make requests to them, same as they have asked us to review it year in and year out over the past 15 or 20 years before it was abolished. We are doing the same now and saying to them, "please have a look at it because we have problems here". What I have said in relation to the Motion on the Constitution, in my view, has no effect here because we are merely making a request. We are not passing an attempt to reverse the legislation.

Madam Speaker, turning now to the Motion itself. I believe that the majority of people in the Cayman Islands as, indeed, I understand, in the United Kingdom, would wish the death penalty to be brought back. However, it is a fact that the United Kingdom has abolished it there and they have abolished it in their Dependent Territories. The death sentence still remains in this country and in the United Kingdom for indictments for high treason under section 1 of the Treason Act of 1814, and for piracy with violence. Whether that Act was extended to us, I do not know. But the principle of the death penalty and its de facto position in the United Kingdom and it remains here. So we are not really dealing with just the death sentence totally abolished, but partially abolished in relation to murder.

Now, much was said about the fact that if the State kills, or hangs, or whatever method it uses, a person who is convicted of murder, that that is in the same category as a person who murdered. Let us look at what murder is. Murder is the killing of a human being with malice aforethought. That is the difference between the crime of murder, and just plain killing such as manslaughter. It is with malice aforethought and, indeed, that is the whole basis of the criminal intent - to premeditate and take the life of another with malice aforethought - that distinguishes from an electrocution or a hanging.

In the United States, for example, it is now being brought back

in many States. I saw even in Florida it has been mooted that it should be brought back for what they call "car jacking", which, I assume, is shooting somebody, or stabbing somebody, or killing someone, in a motor car as they have had a lot of killings there in recent times. It is a matter of conscience. I respect the conscience vote and the conscience feeling of the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town. I was not quite certain of the position of the Fourth Elected Member for George Town, purely on the question of hanging, but I respect the Member's feelings here. It is a matter of conscience, it is a matter of religion, and we all have our different views on it and that is the way it should be.

However, and very briefly, I know it is a fact that since the two central Americans who were convicted of murdering an elderly seaman on the high seas were convicted here, in 1985 the sentence was reduced to life imprisonment, that the killings that we have had here since that time with one exception. And I am talking about the last two decades, Madam Speaker. So to take the point that the day that the United Kingdom abolished the death penalty was a time that the feeling that the death penalty ceased to be here is wrong. People knew that once the Government weakened to a stage that they reduced the sentence down from death to life on those two persons who were still under the appeal when the 1984 Government left - and I can tell you, Madam Speaker, I would have had no hesitation, in the circumstances, of advising (if I had been asked) that they hang - it is since that time that the spate of murders has come in, because as long as a person is still alive and serving a life sentence he has the hope of escaping, or of getting some weaker Government, or whatever - and when I say this the prerogative of mercy vests in the Governor, but we know there is some consultation with the Government - of getting out.

As a lawyer I know the maxim that it is better that ten guilty go free than one innocent die, but that is very rare, Madam Speaker. There are one or two cases throughout the full history of a country, compared to those who have been convicted. This is a 12 man jury which is unanimous in their decision. But put yourself in the position of it being your child or your mother or sister who is killed. They talk about the trauma of hanging. Nobody thinks of the trauma that the victims have gone through, many of them defiled and brutalised before they are killed with malice aforethought by another person.

I believe that it is a deterrent to society because if somebody knows that when they take a knife, and by the way all of the killings have not been with guns, as the Second Elected Member for Cayman Brac and Little Cayman, I think, implied, any weapon, they will remember that if they are caught they will die, and that is a deterrent. Those people remember. You do not have a chance to be rehabilitated before they do it in most instances. So rehabilitation is something that is an after-the-fact situation. I believe in rehabilitation within certain limits, but there is no one within society who does not know the seriousness of killing another person with malice aforethought. I feel that it would be a deterrent and I know, as a fact, that all killings have taken place after what I call the de facto abolition of the death penalty, which is when, in 1985, they reduced the sentence from death to life. By the way, Madam Speaker, one month later those two Nicaraguans escaped and, I think there was a Northwester which is the only reason why they did not get to the Central American continent or somewhere else. Which is the thanks the Government got for reducing the sentence from death to life.

About the load of money, the \$5 million spent on the special cell, as they used to call it, if they wanted to do it, and instead of wasting the public's money, they should have gone ahead and \$8,000 or \$10,000 could have done what was needed. If not, do not waste the Government's money. Come outright and say we do not support it because there was another way of abolishing the death penalty, rather than the United Kingdom doing it. It could have been done within the House here. So I have really no sympathy there, it was just another way that that Government wasted public funds with no intentions of ever using it. I do not think that all of this argument about not finding anybody to do executions, or hating people because a person is an executioner - you have jurors, you have a judge they make the decision and the difference is the executioner is not doing it with malice aforethought, because the difference between that crime and the execution is the fact that the murder is done with malice aforethought.

Madam Speaker, one other area that I would just like to mention is that what would probably help is, rather than, for example, the First Elected Member for Bodden Town constantly questioning and nearly, sometimes, harassing the Prison establishment and the Police, that if there were some kind words of some sort that there are good people within the different areas of these Departments and perhaps assisting them and assisting the Members of this Honourable House with trying to deal with the problems of crime.

Something was said in the debate about this Motion being 'some hidden agenda for independence'. Madam Speaker, the public knows that is a joke because the only two persons who signed the Minority Report - who were opposing this Motion of the Constitution, who wanted a Chief Minister (we know that is the beginning of independence) - were the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman. And, as one of them mentioned, they have not changed over the years. Madam Speaker, that is true. If anybody is going to take this country down the road to full internal self-government, they must go and look at the Report that they signed because that was going to give this country full internal self-government. It has no relevance to this Motion because what they are trying to say to the public is that because you request the United Kingdom to do something that you should be independent. That is nonsense because quite often we request of the United Kingdom for certain things. I was on the phone this morning making a request on a simple matter to the United Kingdom. Sometimes there are more important matters but there is a relationship between ourselves and the United Kingdom which is good.

I think it was the Fourth Elected Member for George Town who talked about not going against Mother's wishes, or something. But let me pose it this way, how many times have we not gone to our parents and asked for something and they will say, "Well look, you cannot get it now", or, "you can get it later, when you get to be a bigger boy you can get it". But I want to finish by stressing that the Motion that is before this House is merely a request for the United Kingdom to review something. It does not affect our constitutional position.

It is in no way a Motion which is not proper. It is a very proper Motion, and what we are doing here, while it may have less of a chance of succeeding as some of the other Motions, such as the Constitution that we put through, even though we did not succeed as I have mentioned earlier because they said they were unhappy with part of it. But we, I think, have to keep matters of importance like this before this Honourable House and we have to debate it. We have to take decisions on it and I believe that we should try to get away from technicalities.

Lawyers are known to bog things down in technicalities. As a politician and a Member of this Honourable House I have found that one has to take the practical approach. What this Motion is really asking is, is this country really worried about crime? If Members' answer to that is yes, the next question is, are they worried about murders? If they answer that as yes, then the question is, what are you doing about it? One of the things that we are doing here, along with the many other amendments to the Law such as the Firearms Law, the Penal Code and those that are going to be coming up, is saying to the public that we are aware of this and saying to criminals, we intend to be hard on you; that crime will not pay; and we intend to rid this country as much as we can of the serious crimes. Madam Speaker, the most serious of those crimes is murder, and whenever the life of a person is taken with malice aforethought, it is the most serious crime that this country, or any country, has to deal with. I believe that the measures that go to curb and stop that crime have to be similarly extremely serious.

I support the Motion, and I support the death penalty. If and when the United Kingdom, in its review, ever wishes to extend it to us, if it does not, so be it, but criminals out there are going to remember that there is a chance that it may come back and there is a chance that murder is something that will be retaliated, similarly, with death.

Thank you.

THE SPEAKER:

The Member for North Side.

MRS. EDNA M. MOYLE:

Madam Speaker, in rising to support this Motion, and having heard the debate for the Motion before the House, I wonder if I am standing to debate the same Motion. The last Resolve section of this Motion reads:

"AND BE IT FURTHER RESOLVED THAT the following message be forwarded, by the Honourable Speaker, to His Excellency the Governor of these Cayman Islands:

"To His Excellency the Governor:

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

I have read this entire Motion and nowhere in it do I see any reference that we, as a Government, are guaranteeing the people of this country that the death penalty will be returned to our books. We are merely doing what we think is right, and that is, making a request of Her Majesty's Government.

I was taught as a very young girl, when I did not succeed in school and I wanted to give up, my parents would say, "nothing beats a trial, but a failure". We are prepared as a Government to make this a trial and if we do not succeed we can say we tried. In recent weeks, when we read the newspapers' reports on the sentences handed down to criminals in this country, or those who have been taken before our courts and released, that the courts are no longer putting a deterrent before the criminals in the Cayman Islands. So, therefore, we as Legislators must do whatever we can to get a deterrent on our books. For, in my opinion, those amongst us, our own people, who choose to kill must realise that one's life is precious and they must be prepared, if those laws are on our books, that they lose their own.

Madam Speaker, if we do not at this time try to do something, we will probably eventually end up like it is in the United States where they have these Laws on their books, that some stupid person arrives at one of our schools and six of our primary school kids are shot dead. Madam Speaker, I commend the Honourable Mover of this Motion for bringing it to this Honourable House in an effort to return capital punishment to the books of the Cayman Islands. I am certain that each and every one of us sitting within this Chamber today have been to where we have had some loved person, maybe terminally ill, and we have been told that there is nothing more that can be done. But we constantly try to find another doctor who will give us some hope. In going back to the United Kingdom's Government, I am certain that they will take a look and say, the people of the Cayman Islands are at a loss as far as crime in connection with murders and they will look favourably on this Motion.

We are not constitutional lawyers, at least I am not, and in the debate on this Motion I have never heard more references that constitutionally we cannot get this back on our books. I would like to make it very clear, Madam Speaker, that I support this Motion, but I am in no way supporting constitutional advancement for the Cayman Islands, not now, or in the future, until the people of this country request such a thing.

We have heard that the United Kingdom is our Mother Country. We agree. But certainly, we, as humble children, must have the right to make a request of Her and pray that She will understand where we are coming from and see the substance in the request to reconsider the return of capital

punishment to our books. It is reported in the newspapers, Madam Speaker, that the people of the United Kingdom themselves are asking for the return of capital punishment. Therefore, what is wrong with us, the people of the Cayman Islands, also making such a request? Maybe with a little bit of pressure from us, and Her own people in England, the light will be seen and this Motion will go forward.

Madam Speaker, we have heard to take funds from the Sports Centre Complex and put it into more polling or more boats. I would say that if we can stamp out this type of behaviour from the very beginning by getting our young people involved in sports, then we need not worry about using the gallows, even though we have the death penalty on our books.

The Motion, Madam Speaker, in no way is saying that constitutionally we are telling the United Kingdom to reinstate capital punishment, we are merely stating how we feel. For one to stand on the floor of this House and to give the impression that this Government, through this request, is asking for constitutional advancement is a down right untruth. In the United States, whom we are related to so very closely, I think it is some 50 offences that one can be given the death penalty for. In the Cayman Islands, Madam Speaker, we only have it for treason. I am putting forward today, not my own personal feelings. I was elected to represent the people of North Side, and the Cayman Islands as a whole, and the feelings that I am putting forward today on the floor of this House, on this particular matter, or any matter that comes before this Legislative Assembly, are the feelings of the people. The feelings of the people, who are crying out in this country, are that they are asking us to see what we can do to get this returned to our books. I support the return of Capital Punishment to the books of the Cayman Islands and I wish that the United Kingdom would look favourably upon this request.

Thank you.

THE SPEAKER:

The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL:

Thank you, Madam Speaker.

Madam Speaker, I rise to offer my contribution on Private Member's Motion No. 10/93, shortly entitled, Capital Punishment. Madam Speaker, this Motion before the House deals with a subject which most of us would rather not discuss, but a subject which has major significance to the people of these Islands. During my 14 years as a Member of this House, on numerous occasions, at the request of the United Kingdom, His Excellency the Governor has asked for our views on capital punishment and I have always taken the position that I supported capital punishment with the hope that it would be a deterrent and prevent murders within our community.

Madam Speaker, when I say murder, I mean murder in the most cruel sense. I do not stand here and advocate that the taking of a life is right in any sense. But I do believe that having the penalty for murder by hanging, or death, can be a deterrent and I think for many years it did serve its purpose. We are a very small population, a very close knit population, but throughout the last couple of decades, for many reasons, hideous crimes have become more common within our community. If we, as Legislators, do not make every effort to try to prevent these crimes, then we will be abdicating our responsibilities.

I feel, as I stand here today, I stand here not as an individual but as an elected representative for the district of Cayman Brac and Little Cayman, and a part of the Legislature of the Cayman Islands. It is my responsibility to speak in a mature manner. I realise that if we continue with murders that have been committed at the rate at which they have been committed in the last decade, and they are commuted, or now will serve a life sentence, some, as has been said earlier, could be up to 50 or 60 years, the provisions and the facilities that we have at Northward are grossly inadequate. This will incur for two reasons, it is not humane treatment for persons committed for that long a period of time to serve as we are now having to keep them. Neither is it right that they should be integrated with short term prisoners and female prisoners within the same compound with only a small insecure fence separating them. So there is going to be a lot of additional expenses incurred. Not only, as I have said, to protect one segment of our incarcerated community, but the lifers as well.

You only have to visit Northward Prison and see how those that are on death row, as it is sometimes referred to, the close quarters in which they have been confined, to realise that it is not humane that they should remain that way year in and year out. So that is going to incur much expense. We saw in the Appropriation Bill where we dealt with, just a matter of a few days ago, a sum of almost \$3.5 million which was voted for Prison. I am saying today that we are going to necessitate, if capital punishment is not restored to our books, the building of a proper penitentiary and maybe the doubling of that appropriation. Again, I say this is to protect and to give some ray of comfort to those lifers who will be there for this long, long period.

Madam Speaker, we must realise as Legislators, we have to assume the responsibility. The *Hansards* will recall, on dozens of occasions I have stood in this Honourable House and have spoken of the benefits that we derive as being a British Crown Colony, the benefits that, as a Mother Country, the United Kingdom offers to us the stability as the secret of our success has been our status of a British Crown Colony. I want to make it abundantly clear that I stand here today as determined as ever to do everything within my power, while being a Member of this Legislature, and as long as I have breath in my body, to be a voice that we remain a British Crown Colony. So I am not here to endorse anything that would in any way tend to create a strain in our relationship with the United Kingdom.

I have spoken with the Mover of this Motion, Madam Speaker, and I have said to him, had I been moving this Motion I would have liked to have seen the first Resolve section to read: "BE IT NOW THEREFORE RESOLVED that this Honourable House respectfully request that the Government of the United Kingdom do take all necessary steps to revoke the said Order in Council in relation to the Cayman Islands, or, if the said Order in Council in relation to the Cayman Islands cannot be revoked, we ask the Government of the United Kingdom to provide the required expertise and financial assistance to establish proper

separate prison facilities for persons convicted of murder and sentenced to imprisonment for life."

Madam Speaker, I say, again, we must do all that we can to rid our community of crime. If the re-introduction of capital punishment can be a deterrent, then I feel it will be appropriate. If it is impossible for the Privy Council to revoke their decision, then, I think we, as loyal citizens of a British Crown Colony, must provide better facilities for these life prisoners and that is my view. Therefore, to sum up, I want to make it abundantly clear that I am not trying to oppose the United Kingdom in any way, as I want to make it abundantly clear that I do not stand here as a biblical student, but I do read my Bible, I have a fairly good working knowledge of it and I concur with what previous Members have said about 'an eye for an eye'. I do not think that we are going against Our Maker and what we have been taught about taking a life. I do not feel that we are going outside of our Christian heritage as Caymanians to protect those that are living a law-abiding life, neither am I a constitutional lawyer and, therefore, I am not going to tread into those constitutional grounds. I never get into depth beyond where I can stand.

So, Madam Speaker, I say to all Honourable Members of this House I would like to see the amendment that I have asked considered, and I look forward to listening to the Honourable Mover when he winds up this Motion.

Thank you, Madam Speaker.

THE SPEAKER:

The Fourth Elected Member for West Bay.

MR. D. DALMAIN EBANKS:

Thank you, Madam Speaker.

Madam Speaker, I rise to give my support to this Motion. In the first place I was supposed to have been the seconder of it, but having to leave the Island I was unable to. So now that it is in the process, what I have to say is I support it because it is needed. We are not speaking for ourselves, but I am sure we are speaking for the majority the people of this country. Everyone that I have talked to is saying that they hope that Government can do something about murder. Murder is ruining the country and it has to be stopped, and the only deterrent that I can see for it is to bring back capital punishment.

About who will become the hang-man, I even have had people say that they will volunteer to do the job. So I do not see the fear of it. We are only asking our Mother Country to give us something that we have had that helped us through life to please help us again. This is all that we are asking for. I hope that it is done.

Thank you.

THE SPEAKER:

If there is no further debate would the Mover of the Motion exercise his right to reply? The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.:

Thank you, Madam Speaker.

Madam Speaker, I want to say before I make my other comments that I do appreciate the wide debate on this very important issue, and that was one of the reasons for bringing the Motion to the Legislative Assembly. The Members of the Opposition questioned why we had to bring it here. Why is it that the decision could not have been taken into Executive Council and the request sent up to the United Kingdom? I believe it was important for us to bring this issue in the form of a Motion where each and every Member of this House, who had an interest in doing so, had an opportunity to voice their views on the issue, and also, just as important, that the listening public of this country can hear where each and every one of us stand on this very important issue. I believe that that has been accomplished. We have had a variety of arguments put forward, and I will deal with some of them. As a whole, the debate was healthy and I believe that it has achieved the objective.

Before I reply to some of the comments made by the Opposition, I would like to read some excerpts from a book entitled *The Bible's Position on Political Issues*, by John Haguey, Madam Speaker, in Chapter 5 he deals with the issue of capital punishment, and I quote: "Rev. John Haguey is a scholar, musician, athlete, evangelist, and above all a pastor with a pastor's heart." He is also, Madam Speaker, a pastor of a 13,000 member non-denominational church in San Antonio, Texas. On the issue of capital punishment he goes out and establishes why he believes in capital punishment and he came from the same angle that most of us did - capital punishment is supported biblically. For example, in Leviticus 24:17 it says, "And he that killeth any man shall surely be put to death." That does not mean just the male gender, it means man or woman. In Genesis 9:6 it says, "Who so sheddeth man's blood, by man shall his blood be shed:....". Exodus 21:12 says, "He that smiteth a man, so that he dies, shall be surely put to death." So, Madam Speaker, it is clear that the Bible supports the death penalty or capital punishment.

Now there are usually three or more classifications of homicide recognised as capital murder, that is, murder for which the defence may receive the death penalty; murder one; and, murder two; or several varying degrees of premeditated murder; and, also voluntary or involuntary manslaughter, that is, an action or accident which caused an unintentional death. Those are not the deaths that we are concerned about. They happen every day, not in our society, but they happen every day. With the best of intentions friends can be together driving down a street and through carelessness, or whatever, the car is wrecked and those friends die. That happens every day, Madam Speaker, and those are accidents or unintentional deaths. The question was also raised with regard to the constitutional question, what does the Constitution say about Capital Punishment?

This is a United States' author so, naturally, he would be looking to the United States' Constitution. It says here, and I quote: "All of the recent Supreme Court cases have upheld the constitutionality of the death penalty." In other words, the Constitution recognises the death penalty in the United

States. Both the 5th and the 14th Amendment to the Constitution recognise the death penalty. On the issue of murder, merits the death penalty, what does the Bible say? The Bible says; that the person who commits premeditated murder is to be put to death, period. No if's, and's or but's about it, Madam Speaker, and the primary principle of punishment in the Bible that we are dealing with is proportionality. In other words, that means the punishment must be proportionate to the crime committed. That is why we believe that if you take someone's life you must be prepared to give up your life in return. That is the only proportionate and just punishment for someone who takes it upon himself to commit premeditated murder.

It says here that the Bible prescribes death, not compensation, for murder. It says that "for bodily injury compensation and money, or kind, could be given to the victim but not for murder. Compensation in cases of murder would have made life cheap and allowed the rich to trample the rights of the poor. The Bible's position on the death penalty actually gives equal status and protection to the poor." So the Bible is advocating justice.

You know, there is a lot of question whether or not if one commits murder and is sentenced to death by hanging (or by whatever method that penalty is carried out) and in prison they are converted, they come to know the Lord Jesus Christ, the question has been asked: should they, because they have had a change in heart, have a reversal of that sentence? This author feels the way I do, Madam Speaker, and he says: "What about jail house conversions, those who get saved while waiting on death row? They still deserve the death penalty. If they truly found Jesus they will see him immediately upon execution. If they are running a scam and are just trying to escape punishment by pretending to be converted, then they will see the one they deserve to see." In other words, if it is a sham conversion, then when the plug is pulled on them they will see the one they also deserve to see. So, I believe that we have established, without any trace of doubt, that the death penalty is constitutional, that the death penalty is advocated in the Bible and supported by the Bible. Madam Speaker, I am also convinced that a majority of the people of this country believe this way and support the efforts to have the death penalty for murder reestablished in this country.

Now, I want to deal with some of the matters raised by the three Opposing Members, that is, the Fourth Elected Member for George Town, the Second Elected Member for Cayman Brac and Little Cayman, and the First Elected Member for Bodden Town. The first Member who spoke, that is, the Fourth Elected Member for George Town, said that he supports capital punishment, but I do not believe that. In my opinion he did not in any way convince me that he supports capital punishment and if he did he would have found reasons to support this Motion rather than going to the lengths that he did in an attempt to question my credibility.

Madam Speaker, he said that I was not telling the truth and the people must know the facts. He had gone to great lengths, by contacting the different Parliaments in the Dependent Territories to confirm whether or not they had taken motions to their respective Parliaments for approval. The information came back that none of them had taken it, and that I was not telling the truth. The Honourable Member for Health and Human Services was a party to those negotiations because he was one of our representatives at the Conference in Trinidad so he knew what the plan was and he basically told the Member he was wrong and it was not me that was misleading the House it was the Fourth Elected Member for George Town.

All I would like to say to that Member, Madam Speaker, is that John Jefferson, Jr., has been a Member of this House for five years and one of the things that the majority of the people of this country know about John Jefferson, Jr., is that he is honest and that any issue that he brings to this House is out of a genuine concern for the people and the welfare of this country. So the 'freshman' from George Town has a lot to learn. You know, he went as far as to say that he did not see why we would have the guts or the audacity to question the United Kingdom on this issue, because the United Kingdom is the Mother Country and mother always knows best. As a matter of fact, he went on to say that he, as a youngster, had never questioned his mother until he was grown. You know, Madam Speaker, I am going to make it a point to contact his mother and ask if that is true. I do not believe it. I do not think that there is one here in this Legislative Assembly who can honestly say that we have not in our lifetime questioned something that our mother or father said or did, including the Fourth Elected Member for George Town. He said that this is a waste of time and as long as we are a part of the United Kingdom, and as long as the United Kingdom does not have capital punishment on its books for murder then we will not get it here.

Madam Speaker, I see the people in this country crying out for answers to crime. They want us, as representatives, to go out and find solutions. But you know, the Fourth Elected Member for George Town does not share the view of the majority of this House, that is, that we are attempting to find a solution. If we are going to sit here with this kind of attitude, then the country really does not need us as representatives, and the \$4,000 or whatever that we are being paid on a monthly basis could be better spent somewhere else. Madam Speaker, he also said that hanging, or the death penalty, is not a deterrent. I know that I said in my opening remarks that was not the real issue, whether or not it was a deterrent. My position has always been, it is the just thing to do. It is the just sentence for someone who takes someone else's life in a premeditated fashion. I do believe that the death penalty does act as a deterrent. It is not going to stop everyone from committing murder, because we will always have those who will defy the laws of this country and take it upon themselves to commit murder.

I honestly believe that if you have the death penalty on the books and that person who is about to take another man's life, regardless of by what means, if he knows that there is a chance that if he takes that person's life he is going to give his up in return, he must be in a position, most people are in a position where they would think twice about their action. It is not going to stop everyone, but, Madam Speaker, I believe it will stop a majority of people from resorting to violence to this extent in settling personal or other issues. He said that the people are being intentionally, or unintentionally, deceived. By whom? By the Fourth Elected Member for George Town, by the Second Elected Member for Cayman Brac and Little Cayman or by the First Elected Member for Bodden Town? Not by us, Madam Speaker, not by the Government. Our

Intentions are very, very clear. It sets out very clearly in the Motion what the objectives are. We are not misleading anyone.

Madam Speaker, if I genuinely thought that this effort was an effort in futility, I would not have brought the Motion. And you know, there were references with regard to it being brought for political mileage. Who needs political mileage? The Members of the National Team won by a landslide in the last election. And this Member here, the Mover, had 1,775 votes in West Bay. I did not need to bring this for political mileage. As far as my political popularity is concerned, I still have it out there. So I do not need this to win another election. It is ridiculous, Madam Speaker, when a new Member comes in here and tries to discredit the credibility of Members in this House, especially a Member like myself, who prides himself on being honest and fighting the common cause for the people of this country. He should be ashamed of himself, Madam Speaker.

What was important, as far as what was said, was that not one of those Opposition Members offered any solutions to the problem. Not one! As usual, Madam Speaker, not one of them gave us a suitable alternative sentence for murder. Not one! But you know they have got a little clique in some little corner in the country that they have to cater to - one or two people who like what they are saying. Madam Speaker, if the Fourth Elected Member for George Town recognises that his position in this country and in this House should be to support issues that are brought to this House regardless of who brings it, and if it is in the best interest of the people of this country, he should support it and not try to find excuses and intentionally try to deceive the people of this country, he would be much better off.

Madam Speaker, the First Elected Member for Bodden Town did have a few things to say that I would like to address, and I am also convinced that he does not support the death penalty. He just confirmed that he does not, Madam Speaker. But he supports the retention of the death penalty for treason and the Third Elected Member for Bodden told us just a few days ago how frivolous some of these charges can be. But he supports it for treason. Now if somebody is convicted in this country for treason, how do you carry out the sentence? He does not support finishing the gallows that we have at Northward Prison, he says it is too expensive and we have already spent \$500,000 on that. He does not support that. So when somebody is convicted in this country of treason, how do you execute him? How can you put a value on that human's life?

I, for one, do not support the amount of money which was spent on the gallows at Northward Prison because, as the Honourable Member for Education has said, that was spent hoping it would never be completed because the last Government had no intention of carrying out those executions. The many mango trees around here, Cox Lumber, A.L. Thompson and all of them have lots of 4 x 4 lumber. It does not take any elaborate vehicle to execute a person as far as hanging is concerned. So his argument was pathetic, to put it mildly.

He also went on to ask how do we know that we have a majority of the people behind us on this issue. How does he know? Did he take a survey in Bodden Town and the majority of the people in Bodden Town said, "Roy, we do not want you to support this because we do not believe it is right." He did not conduct such a survey, Madam Speaker. I am convinced he did not. One of the reasons why he did not support it is because the Second Elected Member for Cayman Brac and Little Cayman did not support it. He also mentioned that recently the courts have not convicted those on murder charges who are foreign nationals and he is wondering now if that is the case - if we are going through with the execution of our people who have been convicted by the court. Madam Speaker, the Judicial system is totally different and separate from the Legislative Arm. We have a court system in place, we have judges who administer justice and they are human like everybody else. I do not agree with some of the decisions which were made recently in the courts. But those things do happen, irrespective of whether they are foreign nationals or Caymanians, those things do happen. But my attitude is, it does not matter if it is a foreigner or a Caymanian who committed murder. If he is convicted of that murder and he has exhausted the legal process as far as an appeal is concerned, then he should be hung regardless of his nationality.

The Member also raised this issue of a question that, has the Government, that is, the National Team's Government, changed its mind on the constitutional status of this country? All I have to reply to that is that there is not one Member of the National Team's Government who signed the Majority Report calling for an advancement in our Constitution - but the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman did. So if there are any people in this Legislative Assembly who support the advancement of our Constitution, it is those two Members. They must not try to mislead the public into believing that this is the reason why we are bringing this Motion or that by bringing this Motion it means that we have changed our constitutional status. Every Member of the National Team supports us for remaining, as long as is necessary, a British Crown Colony. Every Member, Madam Speaker, without exception! These gentlemen must not try to mislead the public into believing otherwise. His argument was, as I have said, a very pathetic one. I believe that the people of this country know exactly where he stands.

Now the Second Elected Member for Cayman Brac and Little Cayman said that he does not support this Motion and he does not support the idea of bringing back the death penalty - these efforts are unrealistic and futile. Again, he mentioned that it was brought by myself for political mileage. All I would like to say to him is exactly what I have said before, I do not need political mileage. You know, I am one of those Members in this House who is prepared to stand by his convictions and what he believes in - even if it means that I stand alone in this House. I am not one of those Members who is always looking for the popular side of things, because for four years I, and the majority of those Members who are now on the Government bench, sat on this Backbench fighting together but in a minority position. We fought for things and issues even though we knew that at the end of the day our efforts were futile because they had eight votes.

Madam Speaker, getting back to the Fourth Elected Member for George Town, he raised the issue about the other Dependent Territories and the Member for Health did clarify what the position was. But you know, that was my understanding - that the other Territories had gone ahead and had

done what was necessary in order that once this Motion here passes in this House, to proceed. But if that is not the case where there are still a couple out there who will still need to get that approval, that would be done, Madam Speaker. As soon as this Motion is passed here those Territories will be advised of the position. I am confident that once this Motion passes, the Government of the day will take up the mantle and run with it and invite those other Territories who are prepared to go along with it. So he must behave himself, Madam Speaker. I have no intention of misleading anybody.

Yes, Madam Speaker, getting back to the Second Elected Member for Cayman Brac and Little Cayman, he said, "the effort was unrealistic and futile", that is, the request to the United Kingdom to change their minds. The Member for Health did mention that we are bound by an Order but in that Order there is also the right to appeal. There is no decision that has been made that cannot be reversed. We are not living in the days of the Medes and the Persians, which once it was done it was done. No. We have an appeal process and the United Kingdom will look at our request, and if they feel that it merits consideration, they will do it. I recall when we were on the Backbench between 1988 and 1992, we had a visit from Mr. Lennox-Boyd at the time when we were discussing the Constitution. Mr. Lennox-Boyd made it known, in no uncertain terms, that the United Kingdom Government was going to see to it that the Cayman Islands had a modern Constitution. You know what happened, Madam Speaker? The majority of the Backbenchers said, "No, it is not going to happen". We wrote to the United Kingdom in a Minority Statement and what happened? We are getting in this country the constitutional amendments that we support, what a majority of the Members of this House supports. I believe the United Kingdom will take the same approach with regard to this request. If a majority of the Members here feel that strongly about this issue, the United Kingdom must sit up and take note. They must, and I believe they will, Madam Speaker.

The Member mentioned that Mr. Gordon Baker had said in no uncertain terms that if we wanted to bring capital punishment back we could start thinking about changing our constitutional position. Madam Speaker, I do not believe that.

**THE SPEAKER:** Honourable Member, I am sure you are not ready to conclude. Could we take the luncheon break now?

**MR. JOHN D. JEFFERSON, JR.:** Yes, Madam Speaker.

**THE SPEAKER:** Proceedings will be suspended until 2:30 p.m.

**PROCEEDINGS SUSPENDED AT 12:55 P.M.**

**PROCEEDINGS RESUMED AT 2:29 P.M.**

**THE SPEAKER:** Please be seated.  
The Third Elected Member for West Bay continuing.

**MR. JOHN D. JEFFERSON, JR.:** Thank you, Madam Speaker. Madam Speaker, when we took the lunch break I was dealing with some of the comments made by the Second Elected Member for Cayman Brac and Little Cayman during his debate on this Motion. One of the points that he raised was that the re-introduction of the death penalty has strong constitutional implications and that we rejected a new Constitution that was passed down by the United Kingdom Government to us and we have written our own. Madam Speaker, that is exactly the point. I believe that the United Kingdom Government is basically interested in supporting in this country what a majority of the Members support, and what they believe a majority of the people of this country support. It is my firm belief that on this issue we have a majority of the Members of this House, and also the majority of the people of this country also supporting the re-establishment of capital punishment.

Madam Speaker, I got a call from Cayman Brac this morning and the person I spoke to said, "John, I support what you are doing and I can assure you that the majority of the people of Cayman Brac also support this move." So my question to the Second Elected Member for Cayman Brac and Little Cayman is, if a majority of his people support this Motion, why is it that he found it fit not to support it?

He also mentioned that the Universal Declaration of Human Rights says that everyone has a right to life. I support that, Madam Speaker, I have no problem with that as long as that person, or persons, do not take it upon themselves to take somebody else's life. But I do not believe this has anything to do with the death penalty. This is a basic human rights issue. Everyone has a right to life and I support that 100%. But you know, I do not support the arguments that he went on to give to support his position. In other words, everyone has a right to life - even those who commit murder. I do not support that and I do not believe this is what this Declaration is saying.

He also went on to say that it would be good, and I think he was specifically referring to myself, because one of the first issues that I had to deal with in this Legislative Assembly as a representative was the issue of abortion. I recall when that Motion was brought, I think by the former Member for Health on behalf of Government, that I, and the present Member for Education, initially, were the only two Members who opposed the idea of it even going into a Select Committee. During that time I felt very strongly, and I still feel that way, that abortion is wrong. Abortion is murder. So I do not see any inconsistencies as far as my position is concerned, I opposed abortion. I support the death penalty, in other words, Madam Speaker, to deal with those persons who commit murder.

He also questioned the State's right to kill. We have come a

long way because in the early days how it worked was that if you went out and killed somebody that belonged to me, they would find somebody that was near to me to carry out the execution, be it a brother, a father or a mother - the "avenger" as he was known. Today the State has taken that position. Rather than it being done on an individual basis where there may be room for reprisal or revenge on that person, we take it upon ourselves. The State now is responsible for carrying out that execution but the State has the constitutional right, and it has the biblical right, to carry out executions with regard to the sentence of murder.

He also mentioned that most of the Members in here who are supporting this Motion support the Motion because they feel that they, or a relative, or friend of theirs would not commit murder. I made it quite plain in my introduction that I felt so strongly about this issue that even if one of my sons, my wife, my father, or mother, took it upon themselves to commit murder that they should be prepared to pay the consequences.

Madam Speaker, I believe it is necessary for us to maintain that type of position because if we have to change each law and each principle, based on how we feel it will affect us personally, we would not have any law and order. The laws are there for those who take it upon themselves to take matters into their own hands and they must be dealt with accordingly.

He also mentioned that the death penalty is no deterrent to murder. I mentioned before that it is debatable, but it is still my contention that it is, and it will do no harm to have it on our books as the sentence for murder. He was also concerned that if we brought it back that the executioner would be ostracised in this society and his family would be looked upon as outcasts. I could bring today a dozen men (if we reestablish this law on our books) who would be glad to pull the switch or administer the injection in whatever form of execution we use. So that is a flimsy argument, Madam Speaker. In our court system, as well, we have always had cases that are tried by a jury and we live in a small community. But I believe that the system has worked very well and a lot of times those people were put in very difficult positions because the defendant probably knew who they were and the whole bit. And, that probably was a concern of theirs, but they still made the decision that they felt was the right one in those cases. I do not believe that we will ever get away from that system.

Most people in this country are still concerned about what is right, and I believe that as horrible as the idea of an execution may sound, we still have people who are prepared to carry out that exercise. He also mentioned that, I think he said in the last five years, all murders were drug related, and I do not necessarily support that statement because I can remember quite a few murders that were not considered drug related. Let me hasten to say that our Government is doing everything that is possible to fight the issue of illegal drug trafficking in this country. We have introduced the policy of the sniffer dogs at the Airport and at the Port, we have also petitioned the United Kingdom about a patrol boat which they have graciously given us the money to purchase, and it is now being purchased. We are also looking at ways of surveilling our coastlines to try to eliminate the use of illegal canoes and other boats that are used to bring in, not only drugs, but illegal firearms to this country. Also in this Budget, there are provisions for additional Police Officers. I think it is something like eight additional officers. So this Government is concerned about crime and is taking the necessary steps to address the issue.

He also mentioned, Madam Speaker, that we should introduce proper work programmes for prisoners. That is being done today, as a matter of fact, just recently, prisoners were even allowed to reconstruct and replace some of the gates to the Governor's residence. There are other projects that they have been used on, such as clearing up the beaches. I know that they have done quite a bit of work on the Botanical Park and also for the National Trust. Quite a bit of work has been done by them and we intend to see to it that more programmes of this nature involving prisoners are put into effect. He even suggested that we should take some of the money that we have in the Budget for the stadium and use it to employ more Police Officers, if that is necessary. Madam Speaker, we have in the 1994 Budget \$100,000 for the new National Stadium. Like I have mentioned before, we have in this Budget a provision for additional police, but I would not be one who would support pulling money from our sports facilities and putting it towards the police, because we would be doing exactly what he has said, addressing the symptoms and not addressing the cause.

We also recognise how important it is for us to have in place proper sporting facilities and proper sporting programmes for our young people so that they have healthy and wholesome activities which they can engage in to expend the energies that young people do have. Madam Speaker, we have taken steps to put in place programmes to head-off the social problems that call for more police in this country. For example, the Honourable Member for Health and Human Services has just recently advised that Government is moving ahead to purchase facilities to establish a proper rehabilitation facility, where we can deal with those persons who are unfortunate enough to find themselves hooked on drugs so that they would have an opportunity then to clean up their lives and get on with living a productive life, and being productive citizens in this country.

Madam Speaker, it is not true, like the Second Elected Member for Cayman Brac and Little Cayman has said, that we need to get on with the job and stop paying lip service to the issue of drug abuse, or drug related crimes in this country. We have also, in this Sitting, brought some amendments to the Firearms Law (Revised) that increases the penalties to something like 20 years, and a fine of about \$100,000 in most cases. So that is an indication that this Government is serious about addressing the issues of crime in the country. I want to ask the Opposition Members what proposals have they put forward to deal with this issue? The Opposition is soft on crime. They talk, that is all it is. But they have not put forward one concrete suggestion for us to work on as far as this issue is concerned. It is not very popular for the people of this country to elect a Member for popularity purposes, but they elect people that they feel are capable, and not only capable, but who has the guts to put forward severe measures if necessary to deal with these issues.

I believe this Government is on the right track and, if necessary, we will introduce other measures that we feel are necessary in order to, once again, get control of this society, of our community and our districts because all of our survival depends on it.



Madam Speaker, I believe that I have established that this Motion is a good one that it is necessary and that this Motion has the support of a majority of the people of this country and, certainly, a majority of the Legislative Assembly Members. I would just like to say to the Opposition, because it looks like it was a deliberate attempt on the part of those Members (especially some of them) to discredit myself - in other words, I did not know what I was talking about, I did not tell the people the truth - the people have been told the truth and the Fourth Elected Member for George Town, like I said before, came by saying that none of the Dependent Territories had dealt with the issue. They may not have all dealt with the issue in the form of a Motion like we are doing, but it is my understanding that the British Virgin Islands did bring a Motion similar to ours and also dealt with the issue under Urgent Public Business, I think, on the Motion for the Adjournment which is much more important than bringing a Private Member's Motion to the House.

The fact remains, Madam Speaker, it was dealt with by the majority of the respective Dependent Territories. Like I have mentioned before, if there are some who have not taken those steps, once we pass this Motion here today, I am quite sure that they will be contacted and they will be invited to do a joint petition with ourselves to the United Kingdom with respect to consideration for reversing the position in the Privy Council. It is legal, Madam Speaker, it can be done! There is no question about that, it can be done. And if some of them choose not to go along with us in the petition, so what? We will still go forward and we will still make our petition to the United Kingdom on this issue.

So, Madam Speaker, I am confident that we will get the ear of the United Kingdom because I believe that they have a genuine concern for giving us in this country what we feel is in our best interest. They have always taken that policy and I cannot see them changing their position at this stage.

On the issue of independence, they have always taken the position, "Ladies and Gentlemen, when you are ready for that step we will help you, but we are not pushing you off." So I believe that we will get a sympathetic hearing on this issue and I look forward, one of these days (hopefully soon) when the United Kingdom will advise us, "Ladies and Gentlemen, you once again have the authority to deal with murder in this country by way of capital punishment". I also agree with the decision, recently by the Privy Council, that if you have people on death row who have exhausted their judicial appeals then those sentences should be carried out. Why should you allow people to sit in prison for 10 or 15 years after that process has taken place? But as a Government we have to have the political will to do what we know is right.

Thank you, Madam Speaker.

**THE SPEAKER:** The question is that Private Member's Motion No. 10/93 - Capital Punishment, be put now. Those in favour please say Aye... Those against No.

**AYES AND NOES.**

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

**MR. ROY BODDEN:** Can we have a Division Madam Speaker?

**THE SPEAKER:** You certainly may, Madam Clerk, please take the Division.

**CLERK:**

**DIVISION NO. 13/93**

**AYES 11:**

Hon. W McKeeva Bush  
Hon. Thomas C. Jefferson  
Hon. John McLean  
Mr. John Jefferson  
Mr. Dalmain Ebanks  
Dr. Stephenson Tomlinson  
Mrs. Berna Murphy  
Capt. Mabry Kirkconnell  
Mr. Anthony Eden  
Mr. Haig Bodden  
Mrs. Edna Moyle

**NOES 3:**

Mr. Kurt Tibbetts  
Mr. Gilbert McLean  
Mr. Roy Bodden

**ABSTENTIONS: 3**  
Hon. James M. Ryan  
Hon. Richard A. Coles  
Hon. George A. McCarthy

**ABSENT: 1**  
Hon. Truman M. Bodden

**MR. JOHN D. JEFFERSON, JR:** Communications and Works is now present.

Madam Clerk, the Honourable Member for Agriculture,

**THE SPEAKER:** Honourable Member if you wish to address the Chair, will you please stand and catch my eye? The Third Elected Member for West Bay.

**MR. JOHN D. JEFFERSON, JR:** Madam Speaker, I was just advising the Clerk that the Honourable Member for Agriculture, Communications and Works has returned.

**THE SPEAKER:** Would you wish to take the vote of the Honourable Member?

**CLERK:** Honourable John McLean.

**HON. JOHN B. McLEAN:** Aye.

**THE SPEAKER:** The result of the Division is 11 Ayes, 3 Noes and 3 Abstentions.

**AGREED. PRIVATE MEMBER'S MOTION NO. 10/93 - CAPITAL PUNISHMENT PASSED BY MAJORITY.**

**THE SPEAKER:** The next item is Private Member's Motion No. 11/93 - Request for Government to consider the establishment of Regulations for the Shipment of Goods to other Territories. The First Elected Member for Bodden Town.

**PRIVATE MEMBER'S MOTION NO. 11/93**

**REQUEST FOR GOVERNMENT TO CONSIDER THE ESTABLISHMENT OF REGULATIONS FOR THE SHIPMENT OF GOODS TO OTHER TERRITORIES**

**MR. ROY BODDEN:** Thank you, Madam Speaker. I beg to move Private Member's Motion No. 11/93, standing in my name, entitled: A Request for Government to Consider the Establishment of Regulations For The Shipment of Goods to Other Territories, standing in my name, and which reads as follows:

WHEREAS the incidences of burglary continues to be high in the Cayman Islands;

AND WHEREAS there are many reported incidences of bicycles, outboard motors and other such items which are reported stolen;

AND WHEREAS there is concern among some Caymanian people that there is a lack of proper control on goods sent from the Cayman Islands to other territories;

AND WHEREAS there is cause for concern that many burgled items cannot be easily sold, traded or exchanged in the small Caymanian society;

AND WHEREAS there are now no established regulations governing the export of items (of the type mentioned above) to other territories;

BE IT RESOLVED that Government consider establishing regulations which would require passengers and shippers to file declarations as to the description, make or manufacture and model of goods shipped;

AND BE IT FURTHER RESOLVED that such declaration be made to cover sale of items or commodities, receipt of purchase, bill of sale or affidavit of prior or present ownership.

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. O. KURT TIBBETTS:** Madam Speaker, this freshman wishes to second that Motion.

**THE SPEAKER:** The question is that Private Member's Motion No. 11/93, has duly been moved and seconded and is now open for debate.  
The First Elected Member for Bodden.

**MR. ROY BODDEN:** Thank you, Madam Speaker. The war on drugs and the war against crime is a many fronted war, and for years now there have been concerns expressed by members of the Caymanian community, including members responsible for policing and law enforcement, that the crime of burglary has reached endemic proportions. Concern has also been expressed that it is difficult, if not impossible in many instances, to dispose of some of these stolen and burgled items in the Caymanian community by virtue of the fact that the community is small, close knit and neighbourly. So that in many instances it is difficult for people who illegally come by certain items to dispose of them easily in the Caymanian society.

Madam Speaker, need I say that criminals, burglars, thieves, and all who participate in this illicit trade are sufficiently sensible to realise that when items are stolen from

Caymanian communities, be those communities in West Bay or in East End, Cayman Brac or Little Cayman, there is a great risk involved in trying to dispose of those goods or, as the popular jargon goes, to "fence" those goods in small communities. Hence the suspicion that many people have, that much of these goods are being shipped overseas.

Madam Speaker, let me draw attention to the beginning, that the Motion is asking for the Government to establish regulations covering exports because the Customs Law, as it stands now, covers these kinds of shipments, what we need is regulations and the enforcement of those regulations. So, let me make that clear that the Motion speaks to the establishment and enforcement of regulations as the Law, as it stands now, makes some provisions.

Madam Speaker, in *The New Caymanian* of Friday, 19th November through Thursday, 25th November, under the caption "Crime is on the Decline - Increased awareness, Better Crime Preventions, More Police Patrols lead to fewer burglaries", the statistics are given in the penultimate paragraph of that article, that in 1992, there were 765 reported burglaries of which 187 or less than 25% were cleared up. Earlier, the article states that as of the 1st November, there were 546 burglaries reported to the Royal Cayman Islands Police for this year. So we have statistical evidence of the spate of the crime of burglary being endemic in our society and the full gamut of items and articles from Video Cassette Recorders, televisions, bicycles and outdoor motors, down to jewelry.

I was reading in one issue of the *Caymanian Compass* that some 20 watches, I think they were called Tanqueray watches, were stolen from a prominent liquor distributorship in the Cayman Islands. I am saying that it comes down to a common-sensical question - if it is reported that a particular brand of watches has been stolen from an establishment in the Cayman Islands, what Caymanian is going to buy or exchange that watch and wear it, full well knowing that he/she is going to stand the chance of being apprehended by the police because this is a small society? Similarly too, Madam Speaker, the case of bicycles and outdoor motors.

I well remember that about 18 months or so ago, a friend of mine told me of an operation being carried on by some people whom he suspected were not Caymanians, who took a pickup truck and drove through the eastern district picking up bicycles and shipping them out. It was also brought to my attention that some people, who are residents in my community, had such a ring going. So it is not uncommon for Caymanian people to know of the existence of these kinds of things. What is alarming and has been brought to my attention by a number of citizens, Caymanians and non-Caymanians alike, is the possibility and the availability that these stolen goods can be shipped out of this country without having to pass the scrutiny of our authorities.

I well remember a notice in the newspaper which was brought to my attention on two occasions by my Secretary, of a boat sailing out of the North Sound for Black River in St. Elizabeth, Jamaica. The advertisement was for cargo. I wonder if the authorities vetted the departure of that boat. I wonder if that boat left here under the auspices of the Port Authority's stamp and of the Government of the Cayman Islands. To the best of my knowledge the North Sound is not a registered port of entry nor port of exit for these Islands. So let me say that there is evidence, there is the possibility that these kinds of stolen goods can be shipped easily out of this country unbeknown to the authorities.

Madam Speaker, what this Motion is asking for is not something that is going to bring added expense upon the Government. The Motion is simply asking for us to set in place and to enforce regulations which are standard in other countries. This Motion and what it seeks to set up, Madam Speaker, is a front on the war against drugs and the war on crime. If we are as serious as I think we are, we have to be prepared to fight this war on as many fronts as possible. This is one of them.

That is all I have to say in my introductory stage. Thank you,

Madam Speaker.

**THE SPEAKER:**

The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:**

Thank you, Madam Speaker.

In my support of this Motion there is really not much more to add. The Mover was fairly thorough in expressing the wishes of the Motion and the attempt to achieve certain things. I would like to add just a few pointers so that the Member from the Government bench who will be replying will be able to be thorough in stating Government's position and most questions will be answered during his delivery.

As the Mover mentioned, in the Customs Law, Part III, section 11 (1), (2) and (3) are the first sections of the Customs Law which deal with the area that the Motion is intending to hone in on. But, if one wanted to take a position, and one were to say that section 11 already covers what is trying to be achieved by the Motion, in essence, one could. But the fact of the matter is, section 11 of the Customs Law is fairly generic compared to what is being asked for in the Motion. The Motion is asking for some specific regulations in order to tighten up an area that seems to be left wanting.

Section 11 of the Customs Law is followed in that Law by section 32 which also deals, to a certain extent, with the broad area of exportation of goods. But as the Mover mentioned in his proposal for this Motion, there are happenings within the community and within the country now, which leave a lot to be desired in this area.

If Government sees fit to accept the principle of the Motion, in my view the ability to tighten up in these areas is not one that they might find to be a very, very difficult task. One might also take the view that a part of the Resolve section will make it cumbersome for some exporters of goods.

But if we examine our established points of entry and exit into these Islands and we simply go through the motions of the Customs and the Port Authority there is basically in place already a system which takes care of this.

What we are trying to hone in on is not necessarily the loophole in the law, but the open area that is not, at this point in time, being addressed. It is not for me to say that any agency of Government is not doing its job. It is simply for me to say that we may need to stop and have another look within certain areas to make sure that we stop the roof from leaking.

The first Resolve of the Motion simply reads: "BE IT RESOLVED THAT Government consider establishing regulations which would require passengers and shippers to file declarations as to the description, make/manufacture and model of goods leaving the Cayman Islands." This might well be done now under the established norm and through the established routes. But I think it is a fair statement that there has to be, just by analogy alone, some other avenue by which certain types of goods are leaving this country and they are not being processed through the normal channels. Otherwise, to my mind, certain stolen items would be discovered. I know it is only natural that the handlers of these stolen items will try their best to avoid going through the normal channels. But to my view, the more we tighten up the less freedom of movement such people will have, and the less we will have the proliferation of such attempts to export illegally.

Madam Speaker, there are various views that one can take when one is trying to examine the situation in its total perspective. But I, for one, interpret the Motion as, while not trying to exclude anything, not necessarily trying to hone in on air traffic and such the like, as it is very difficult for that type of movement to take place outside of the established points of entry and exit. But seaward movement, because of the natural state of our country, is where I think we have the problem. And suffice it to say that this Motion is simply a genuine attempt to tighten up in these areas.

Madam Speaker, I would ask that Honourable Members of this House see it fit to support the Motion in order to achieve the desired effect.

Thank you.

**THE SPEAKER:**

The Honourable Third Official Member.

**HON. GEORGE A. MCCARTHY:**

Madam Speaker, the Customs Law in its present form makes provisions for the implementation of the necessary safeguards to meet the requirements of this Motion. This has been alluded to by the First Elected Member for Bodden Town, and also the Fourth Elected Member for George Town. It would, therefore, prove superfluous to duplicate such requirements once more by way of introducing further, or additional, regulations.

The specific provisions under the Customs Law, 1990, dealing with the shipment of goods to other territories are as follows: Section 31 (1) provides that; "All goods for export shall be deposited in a transit shed and before such goods are loaded for export, entry shall be made in respect thereof." Section 31 (2) makes further provision for the Collector to relax any requirements imposed by or under this section as he thinks fit in relation to any goods, says; "Any person who contravenes or fails to comply with any directions of the Collector given under this section shall be guilty of committing an [procedural] offence under section 57" of the Customs Law and subject to the right of appeal to a Summary Court and to pay to Customs a fine not exceeding \$1,000. Under Section 31(4) of the Customs Law: "If any goods [intended for export] are found not to correspond with any entry made [in respect] thereof they shall be liable to forfeiture."

Section 51(b) of the Customs Law further states that:

"Whoever -

- (b) exports any goods from the Islands, in respect of which entry is not made within the time or in the form required by Customs or in such manner as to disclose the fact of the import or export of such goods,

is guilty of smuggling such goods into and out of the Islands..."

and shall be punishable on conviction with a fine of up to \$6,000 or with imprisonment for a term of five years or both such fine and imprisonment.

As can be seen from what has been said, appropriate regulations or provisions in the Law governing the export of items is incorporated in the Customs Law, 1990.

Madam Speaker, I should point out that the merits of this Motion, obviously, have been put forward. The Government is not taking a very light-hearted position to this. The Law as it now stands in relationship to importation of goods, basically, without further additional regulations, are quite workable. It is obvious after discussion with the Collector of Customs it has been the practice in the past whereby emphasis has been placed on the collection of import duty relative to goods being imported into the Island. So what we have got in front of us is not a question of additional regulations being required under the Law. It is a question of directing and putting in place the necessary manpower resources in order to deal with this specific requirement. As I mentioned earlier, emphasis has been placed in terms of the revenue that is generated.

The First Elected Member for Bodden Town pointed out that the war on drugs and crime is a many fronted war. By implication, it therefore can be deduced that persons involved in chicanery activity, such as stealing, are unable to fence their goods within the local community and, consequently, they look to overseas jurisdictions. We know that basically such goods, upon being stolen, are being exchanged for drugs and other things that operate within the illicit market. So it is not a question when we look at it in terms of

regulations only. It is a question, Madam Speaker, that over the years quite a number of things have evolved within the Cayman Islands such as dubious activities. We have seen an escalation in the drug problem that we have got here. The Government is very mindful of this. Madam Speaker, to this extent, the Government, for example, has set up a Task Force within the Customs Department to carry out, in addition to combining the resources of the Customs Department along with the Police Force in its war on drugs, and by so doing also in its control of crime.

It is a question now that this Motion has been brought to the House and prior to this, Madam Speaker, that the Government has been talking with the Collector of Customs on that and emphasis will be pursued to put in place the necessary measures and to scale up the manpower that is necessary in order to achieve proper inspection of goods being exported from these Islands. Because if the Law makes specific provisions that could not be set out any clearer in additional regulations, as I have said earlier, it would be superfluous to go and duplicate these same requirements in additional regulations where the Law, as such, makes provisions that are specific, provisions that are clear and, once the necessary measures are put in place, these provisions can be implemented.

It is, therefore, on this basis, Madam Speaker, why the Government does not desire at this stage to duplicate these specific requirements by way of additional regulations. But in the many measures that are currently being pursued in order to come to grips and to control criminal activities within the Cayman Islands community and, no one here takes lightly the fact that houses are being broken into, people's lives are being threatened and all types of dubious activities are going on, quite a number of efforts are being pursued to control this. Recently, it has been mentioned where a surveillance boat will be commissioned within a short while - one that will be of sufficient size and also with the desirable seaworthiness to effectively and efficiently patrol the waters around Grand Cayman and, hopefully, if necessary, extend to the other Islands as well.

So quite a lot of efforts, Madam Speaker, are entrained in order to try and curtail criminal activities. It therefore will not diminish, in terms of the attention being paid to the stealing of goods, and where these goods are disappearing to, I will just point out to this House, Madam Speaker, that in view of attempting to achieve efficiency and, it has always been said, minimizing paper work where the desirable procedures can be implemented through existing legislations which if duplicated will not enhance the provisions under the legislation as they now exist on the statute books, basically, that this be borne in mind and it is on this basis why the Government does not desire at this stage to duplicate such activities by way of introducing additional regulations.

Thank you, Madam Speaker.

**THE SPEAKER:**  
his right to reply.

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

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker.

I have taken note of the Government's position as articulated by the Honourable Third Official Member, the Financial Secretary, and must say that I thank him for his graciousness in explaining the Government's position. Madam Speaker, I believe what he has said, because I know him to be a sincere young man. Nevertheless, I would like to ask the Government, because I noticed that the Honourable Member replying for the Government did not comment on the observation I made about the advertisement in the *Caymanian Compass* about the boat leaving for Black River in St. Elizabeth and advertising for cargo. So I am imploring the Government to keep a look out for these kinds of occurrences because it is by these kinds of routes that stolen or contraband goods could be shipped out of the country.

Madam Speaker, I would like to say that I empathize and I can live with the position put forward by the Government, even though I think that what the Motion is asking for is not necessarily a duplication. But I am a reasonable man and I can live with that. However, let me say that we must not relax our vigilance because somewhere in one of the eastern districts there is a reputed "fence" for stolen and burgled goods. Somewhere in one of the eastern districts there is a reputed centre where the proprietor deals in these kinds of goods. I believe I am correct in saying that it is a source of frustration to some elements in the Police Force who would like the problem eliminated but cannot do so because they do not receive the necessary cooperation.

I say that to say, Madam Speaker, that we cannot down-play the seriousness of what this Motion seeks to address. I say that to reassure Honourable Members that this is by no means a frivolous Motion - that this is by no means a mischievous Motion. It is not even a political Motion, it seeks to address a serious problem in our country. Madam Speaker, you can mark my words, as we are nearing the Christmas season, we are going to read about a spate of these burglaries and thefts.

Madam Speaker, I believe, as do my colleagues (and I am speaking now of my colleagues, as we are often addressed as the Opposition), that there are things that the citizens can do to lessen the burden on the Government, particularly in addressing and alleviating these kinds of circumstances. Some time ago, my colleague, now the Third Elected Member for Bodden Town, and I brought a Motion, which the Government accepted, which was designed to alleviate some of these problems. And we have in our constituency started, we have been, that is, the political representatives of us, spearheading and encouraging our constituents to establish neighbourhood watches where they have, and keep for themselves, also in the hands of the police, records with serial numbers of their articles and items - serial numbers of their VCRs, cameras and all of these kinds of items - so in the event of a burglary at least they can notify the police to look out for these serial numbers. So let me say to Honourable Members of this House, Madam Speaker, that they too should encourage their constituents to keep records of the serial numbers and all identification numbers of the kinds of items commonly stolen or burgled. And also, let us remember to ensure that our premises are secured from intruders at

all times.

Before I conclude, Madam Speaker, let me say that the information which I have received about these rings which steal such goods, as is mentioned in the Motion, do not operate at nights. Indeed, the person who told me about the existence of the rings in the eastern district went to great detail to explain to me that the burglaries took place in the daylight hours, during those hours of 9:00 to 5:00, when many of the people, from whom bicycles and outboard motor engines were stolen from, were at work in George Town. So let us not only believe that the burglaries take place at night. Sometimes some of the most valuable items are stolen during the daylight hours. So I was serious when I said, in my Introduction, that this, too, is a front on the war against drugs and against crime.

Let me say in conclusion, that I will be monitoring, measuring, and gauging what the Honourable Member, in his reply on behalf of the Government, has said that the Customs Department will do. I will also be reading the Crime Reports in the newspapers and listening to people to see if the efforts expressed on behalf of the Government that they are going to put into place is effective enough. And if not, Madam Speaker, rest assured that I will be back again with some proposal to rectify this matter.

Thank you kindly.

**THE SPEAKER:** The question before the House is Private Member's Motion No. 11/93. I shall put the question. Those in favour please say Aye... Those against No.

**AYES AND NOES.**

**THE SPEAKER:** The Noes have it.

**PRIVATE MEMBER'S MOTION NO. 11/93 NEGATIVED BY MAJORITY**

**THE SPEAKER:** Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 3:40 P.M.**

**PROCEEDINGS RESUMED AT 3:57 P.M.**

**THE SPEAKER:** Please be seated.  
Continuing with Private Member's Motion 12/93. The Fourth Elected Member for George Town.

**PRIVATE MEMBER'S MOTION NO. 12/93**

**REQUEST FOR REVIEW OF MARINE ZONING IN THE CAYMAN ISLANDS AND IMPROVEMENTS IN ENFORCING THE MARINE CONSERVATION LAWS AND REGULATIONS**

**MR. D. KURT TIBBETTS:** Madam Speaker, I beg to move Private Member's Motion No. 12/93 - Request for Review of Marine Zoning in the Cayman Islands and Improvements in Enforcing the Marine Conservation Laws and Regulations which reads:

WHEREAS the establishment of marine parks, replenishment zones and the environmental zone has proven beneficial;

AND WHEREAS fishermen have generally complied with the regulations governing fishing in these zones;

AND WHEREAS the general public realize that the establishment of these zones has helped to sustain the proliferation of fish and other marine life around the Cayman Islands;

AND WHEREAS there have been many public complaints and representations made to Legislators over the years concerning the need for making some redesignations in the zoning;

AND WHEREAS a significant number of Caymanian fishermen (including fishermen from George Town) fish from boats which have limited operational range;

BE IT NOW RESOLVED that a "window" be created in the George Town District, from the Treasure Island Resort to the old Pageant Beach site, as a replenishment zone, similar to the one already created from the West Bay cemetery to Victoria House;

AND BE IT ALSO RESOLVED that Government mobilise a review of the Cayman Islands Marine Parks with a view to making any redesignations deemed necessary;

AND BE IT FURTHER RESOLVED that Government consider taking immediate steps towards improving the effectiveness of enforcement of the Marine Conservation Laws and Regulations.

**THE SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Madam Speaker, I respectfully beg to second the Motion.

**THE SPEAKER:**

The question is that Private Member's Motion No. 12/93, is now before the House and the matter is open for debate.

The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:**

Thank you, Madam Speaker.

Honourable House purely in response to representation from various individuals both in the district of George Town and in other districts. The intent of the Motion is not to test the integrity of the Marine Parks system and the Laws that are now in place, it is simply an attempt to rectify what may be termed as something that was inadvertently left out from the very beginning. It also widens itself in the Resolve sections to allow the Government to deal with certain matters which I will deal with as I go along in presenting this Motion.

First of all, when the Marine Parks and the Marine Conservation Laws were being dealt with in 1985 and 1986 I remember, specifically, certain factions (I may call) being very vehement in their outcry that this was, simply put, a bad thing. I think it is fair comment today, after approximately seven years, that this has worked. Many of the disappearing species of sea life have been revitalised in many areas. I think that while certain individuals may have felt cramped in not being able to do what they were used to doing, at the end of the day it is obvious that if this was not put in place we might well have had some extinct species by now. So with that in mind I first of all want to make it very clear that I by no means do not support the Law and the system that is in place.

If we look at all three Islands by way of the map (and I am sure that I am correct in saying all Honourable Members in this House were recently handed a map), and we examine the map, we can easily see, first of all, that every recognised fishing district in these Islands, when the zoning was being done, was given a Replenishment Zone to accommodate the various fishing villages and the trade of the day for the fishermen. If we look from what we know as the North West Point to the South West Point, we will see that in the Island of Grand Cayman that is where the largest Marine Park exists. Now, Madam Speaker, that area is the area that we know to be along the seven mile strip and on its periphery the West Bay area and the South Sound area. When the zoning was being put in place, as we can see on the map, the district of West Bay and the fishermen who usually launch their boats from the North West Point area were given, what I have termed, a "window" in the Marine Park to allow them to do the type of fishing that they were used to.

For clarification, let me explain the Marine Park as it is defined. It means no taking of any marine life alive or dead, except; line fishing from the shore is permitted, line fishing at or beyond the drop-off is permitted, and the taking of fry and sprat with a fry or cast net is permitted. Special note: Fish traps, spear guns, pole spears, seine nets are totally prohibited. That is what a Marine Park is. The Replenishment Zone that was created for the West Bay District was done so, in my opinion, very wisely. The Replenishment Zone in definition means there is no taking of conch or lobster by any means; line fishing and anchoring are permitted, spear guns, pole spears, fish traps and nets prohibited, except that fry and sprat may be taken with a fry or cast net. So the basic difference between a Marine Park and a Replenishment Zone is simply that line fishing and anchoring are permitted inside of the drop-off.

Madam Speaker, there are many fishermen, especially in the northern section of the district, who historically used fishing, if not as their only source of income at least as a second source of income, to supplement themselves whenever they fell short with other types of employment, and also as a means to feed their immediate families.

Many of them were not, and still are not in a position to have the types of boats which are able to travel long distances in a fairly short period of time. So with due respect to the system and the situation, I submit that they have been put to a great disadvantage, and that disadvantage, in my opinion, is not deserving. Let me hasten to say that I suspect that this was basically an oversight when it was initially done and when the zoning was being created. I remember that the proponents and the Department that was going to be handling this section, were going from district to district during this time and having many meetings. I remember the furor, with a lot of people not being able to accept it. I think maybe no one thought of it during this time, but someone was smart for the West Bay district, I do not know who it was, in any event it was thought of for that district.

Now, Madam Speaker, having explained earlier my thoughts regarding the disadvantages placed on the fishermen of the district of George Town, I believe that it is very fitting for the window that I have proposed in this Motion to be created as a replenishment zone which will only allow line fishing to take place inside of the drop-off. This has no bearing on spear guns or fish traps. The size of the area that I have proposed, Madam Speaker, if one was to measure it on the map, is very close to the same size of the window that exists in the West Bay district. So we are not asking for any more than our neighbours have.

To quickly explain, Madam Speaker, the line fishing that is being proposed with that window, during the daylight hours there are certain types of fish which are very pleasing to the taste buds of our Caymanians that are indigenous in that area. You are not able to get them if you fish over the drop-off. I believe that line fishing would not interfere with the maintenance of a reasonable quantity of these species of fish. I would not venture to make a statement like that if I was asking for other types of fishing like fish traps, nets or spear guns to be allowed. I am only asking for a replenishment zone which will allow the fishermen of that district to line fish inside of the drop-off. That is the first Resolve section of the Motion.

The second Resolve section of the Motion reads: "AND BE IT

ALSO FURTHER RESOLVED that Government mobilize a review of the Cayman Islands Marine Parks with a view to making any redesignations deemed necessary." Madam Speaker, that Resolve section is not suggesting one way or the other whether the Marine Parks and the Replenishment Zones should be increased, decreased, shifted or changed around. The reason I am saying it is not suggesting that, is because I leave that to the people who have all of the knowledge at hand to make those types of recommendations.

I believe that, while it may seem not to be the best idea in the world, we should allow some public input. I do not think it is very difficult for representatives of the various districts to seek that input in order to pass on what the various segments of the communities desire and request. Once that has been had, and the people who have the scientific knowledge regarding the Marine Parks, the Ecosystem, and the various species that these Marine Parks are designed to protect, once they see the wishes of the people, we will have done, as representatives, our job by passing on the wishes of the people and the Government has the mechanism in place to be able to utilize expertise and knowledge to make the right decisions. That is simply what the second Resolve section is all about.

The third Resolve section reads: "AND BE IT FURTHER RESOLVED that Government consider taking immediate steps toward improving the effectiveness of enforcement of the Marine Conservation Laws and Regulations." Madam Speaker, it is not by coincidence that the three resolve sections read in the order that they do. It is by design. Government may not see fit to deal with them in that order, but that is the way that I believe would be the right way if they should see it fit to accept this Motion. That third Resolve section is simply encouraging the Government, after dealing with the first two Resolve sections, and after putting whatever they are going to put in place, to be very specific and clear in the enforcement of the Marine Conservation Laws and Regulations.

Madam Speaker, I would not try to say that I am an expert in the field, but I do, from time to time as time allows me, a fair amount of fishing and I am in contact with other fishermen. Madam Speaker, there are many occasions when I have been told - and I believe the people who tell me - of blatant disregard and abuse of the Laws and Regulations. There are some unscrupulous individuals who have fish traps, and who set those fish traps in various locations where they are allowed to in these Islands. But every one of us in here would cry shame if we saw the size of the fish that they brought in from those traps with full intention of selling them. I have seen this with my own eyes. I have seen an individual with three pots in close proximity and when those three pots were drawn, I wish not to exaggerate, I would venture to say there were at least 200 fish less than three inches in length that were taken from those traps and the individual was cleaning these fish to sell them. There are people who will buy them, but, suffice it to say, if that is allowed it must dent the population of the fish. So with that example I have tried to illustrate why I believe that Government should take steps toward improving the effectiveness of enforcement of the Marine Conservation Laws and Regulations.

Madam Speaker, there are some people who fish who have varying views, but, by and large, I believe that the majority of people in this country understand the reasoning behind the Marine Conservation Laws and Regulations and, by and large, I believe the people of this country have seen the positive results of the bringing in of these Laws and Regulations. So I submit this Motion to this Honourable House and I would trust that the other Members will see fit to understand the reasoning behind the Motion, and also see fit to give it their full support.

At this point in time, Madam Speaker, I will await their reply.

Thank you.

**THE SPEAKER:**

The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, the subject of Marine Parks, I believe, has caused much representation to be made to all of us as Members of this Legislative Assembly. Government, too, has received representation on the subject from, in particular, the George Town constituency.

Government has been considering this representation and we have met on a number of occasions with the Marine Conservation Board, and members from the Department of Environment. Some of the representatives from the Board and the Environment Department also briefed Members of the National Team about certain fishing practices which I think the Fourth Elected Member for George Town alluded to in the latter part of his presentation. I have many pictures to look at and do know that there are some unscrupulous individuals using fish traps to deplete the marine life in the Cayman Islands.

The Marine Park which I feel stretches from the broad walk in North West Point to Sand Quay, as the Member indicated, a Replenishment Zone in the area of the cemetery at West Bay. We believe, Madam Speaker, that Replenishment Zone, where the main difference is that you are taking fish by line between the drop-off and that area where your line from the beach cannot reach, it is really, in simplicity, the only difference. So we are looking at all of it in terms of putting a package before the Legislative Assembly.

Some people tell me too, that the whelks population - I used to be a pretty keen fisherman, I never fished for whelks, but I know about whelks - are also in need of some kind of protection. We hear about vast pounds of whelks being taken, particularly in the Sister Islands. So there are many things to look at. There is the land crab population which is also under stress, among other things.

I have made those few points, Madam Speaker, to say that as the Government is studying all of these matters with a view of coming forward to the Legislative Assembly, first taking input, if we all decide that that is what is needed, with a package so that all Honourable Members can then show us their support for Marine Parks and their commitment to preserving it.

I have no difficulty in agreeing with the Motion, Madam Speaker.

**THE SPEAKER:** It is now 4:30. I understand that a short meeting between Members has been scheduled at this time so I therefore ask for the Motion for the Adjournment. The Honourable Leader of Government Business.

### ADJOURNMENT

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I was being a little bit optimistic. I just wondered if any other Member wanted to speak on that Motion. I realise it is 4:30.

**THE SPEAKER:** If Members agree to defer the adjournment...

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I think we have an indication. Therefore, I move the Adjournment of this Honourable House until 10:00 tomorrow morning.

**THE SPEAKER:** The question is that the House do now adjourn. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 3RD DECEMBER, 1993.**

### FRIDAY 3RD DECEMBER, 1993 10:11 A.M.

**THE SPEAKER:**

I shall ask the Member for North Side to say Prayers.

### PRAYERS

**MRS. EDNA M. MOYLE:**

Let us Pray.

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

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

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.

### ANNOUNCEMENTS BY THE SPEAKER

#### APOLOGIES

**THE SPEAKER:**  
Assembly.

Please be seated. Proceedings are resumed in the Legislative

I have apologies for absence from the Honourable Member for Education and Culture and Aviation, as well as from the First Elected Member for Cayman Brac and Little Cayman.

Again, it is my pleasure on behalf of the Legislative Assembly to welcome students from the West Bay John A Cumber Primary School.

Proceeding with the Orders for today. Presentation of Papers and Report. The Honourable Member for Tourism, Environment and Planning, Leader of Government Business.

### PRESENTATION OF PAPERS AND REPORTS

#### DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1993.

**HON. THOMAS C. JEFFERSON:** Thank you, Madam Speaker. I beg to lay upon the Table of this Honourable House the Draft Development and Planning (Amendment) Regulations, 1993.

**THE SPEAKER:**

So ordered.

Government Business, Government's Motion No. 6/93, Draft Development and Planning (Amendment) Regulations, 1993. The Honourable Elected Member responsible for Tourism, Environment and Planning, Leader of Government Business.

### GOVERNMENT BUSINESS

#### GOVERNMENT MOTION NO. 6/93

#### DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1993

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to move Government Motion No. 6/93, entitled Draft Development and Planning (Amendment) Regulations, 1993, which reads:

"WHEREAS by section 35(3) of the Development and Planning Law (Revised) it is provided that no Regulations shall be made pursuant to the provisions of this Law unless a draft thereof has been laid before the Legislative Assembly;

AND WHEREAS pursuant to section 35(3), a draft of the Development and Planning (Amendment) Regulations, 1993, has been laid before this Honourable House;

BE IT NOW THEREFORE RESOLVED THAT this Honourable House approves the said Development and Planning (Amendment) Regulations, 1993."

Madam Speaker, perhaps I should offer apologies to the Members for bringing an amendment so quickly to the House, but they have charged me with the responsibility of trying to encourage development in all parts of all the Islands.

Basically, the intent of the Beach Resort Residential Zoning is to have a transition zone between the Hotels and Tourism Zone, and the Low Density Residential Zone. At the present time, the Beach Resort Residential, which is the subject of the Regulation, allows a facility only to be constructed to a height of three storeys, or 33 feet. There are at least two particular developments in the eastern districts which have been put forward, one of which has moved for a change of the zone in accordance with the Planning Law. The 60 days notice which is required will expire about the end of this month and the developers would like to get on with the construction of their project early in the new year.

But, we are not amending the Law or putting forward the regulation just for one individual developer. We believe that the zoning should be structured in such a way that hotel development will allow one to rise to a storage of five floors, or 55 feet as is the present situation, and Low Density Residential should only rise to a particular level of storeys, and in between should be Beach Resort Residential, which should rise to three storeys. At the present time, the Beach Resort Residential Zoning, together with the Law, is more restrictive than Low Density Residential, which we all know is private housing. So, the reason for the amendment is to arrest that particular anomaly, if I can use that expression.

I believe that the amendment which is being put forward in the regulation is proper and necessary to aid construction of facilities such as hotel/condominium development, where we find the area zoned as Beach Resort Residential. I do know that the District Committees dealing with the Development Review have recommended that this particular area also be rezoned to Beach Resort Residential. So, in essence, all we are doing today is seeking the approval of the Members of the Legislative Assembly so that the Executive Council can make a regulation dealing with Beach Resort Residential projects to move to three storeys. I believe that wherever Beach Resort Residential areas are zoned this regulation will apply to whichever development in whatever Island.

I have been talking about this Draft Regulation and I started out by making an apology for bringing it so promptly to the House - I wonder whether Standing Order 24(5) should be suspended for this to be effectively done? I am a little unsure that the Motion would have met the requirements of the Standing Orders of the present time. Perhaps before I sit down I should also move under Standing Order 83, the suspension of Standing Order 24(5).

I realise that this is trying to capture two birds with the same presentation, but I would hate to have the motion accepted, and the rules breached in the process.

#### SUSPENSION OF STANDING ORDER 23(5)

**THE SPEAKER:** I agree that it would be best to be cautious. Accordingly, the question is that Standing Orders be suspended in order that Government's Motion No. 6/93 be properly before the House. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. STANDING ORDER 23(5) SUSPENDED TO ENABLE GOVERNMENT'S MOTION NO. 6/93 TO BE DEALT WITH WITHOUT DUE NOTICE.**

**THE SPEAKER:** The Standing Order has subsequently been suspended. Do you wish to continue, Honourable Member?

**HON. THOMAS C. JEFFERSON:** Thank you, Madam Speaker, only for a brief moment to say that the amendment (just to be absolutely sure of what we are talking about) allows the maximum building height within a Beach Resort Residential Zoning to be three habitable floors.

Looking at many buildings in George Town - and I am not just picking on George Town, in any other part of the Island, but we see it more visibly in George Town - even the 55 feet on commercial buildings, we look at it and wonder if we are sure this is the case. Items that are on the roof, when measured, will exceed 55 feet but it is not an area that is being used for office accommodation or anything else. So, if there is a structure that has something else on top of it, in other words, three floors with some decorative type building at the top, it would not be covered. That would fall under a different regulation.

What we are talking about here, is allowing the Beach Resort Residential Zoning for buildings to be constructed to allow three habitable floors rather than two. I believe that this is certainly an assistance to developers to cause the project to become more viable and, therefore, in my belief, it will cause more construction activity in this country.

Thank you, Madam Speaker.

**THE SPEAKER:** The question is that Government's Motion No. 6/93 is properly before the House and is, therefore, open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:** Thank you, Madam Speaker. I am glad to see that the Member moving this Motion has taken

the precaution, as I believe is necessary to meet the Standing Orders of the House in regards to the presentation of this request. Only yesterday the Motion came to the House - at least that is when I saw a copy of the proposed Draft on my desk. With these types of innovations it is reasonable to expect that some degree of time be given to be able to examine the situation fully, to be informed as much as possible. This could not be claimed in this case. But as I listened to the presentation of the Member, I realised that some thought was being given to helping development in the Eastern districts and any reservations that I may have had certainly fled away. I believe that the Government should rightly see to it that development is encouraged as much as possible, even giving concessions where necessary so that the eastern side of this Island can have the development which it needs and deserves.

I am also led to wonder if these regulations will also apply to Cayman Brac and Little Cayman. I know that those two Islands function under a separate Board, as such, and it is not specifically bound, to the best of my knowledge, by these regulations. Cayman Brac and Little Cayman have more guideliness. Certainly, I believe that this amendment would be very welcomed indeed by developers in these two Islands. Needless to say, Cayman Brac and Little Cayman require this type of development even more than Grand Cayman, because of the larger extent of development here.

While keeping structural development to a level or to designs as might please many who claim that we have to insist on a certain type of development design - because we live on Islands and Islands should or should not have a particular type of design - one should sensibly take into account the fact that some of the most expensive land in the region and, perhaps, the world, is on these islands, particularly when it comes to beach property. Because there is a limited amount of land on the beach, and the immediate vicinity of the beach, and the cost that is paid by a developer, there has to be some compensatory means by which development can be done.

I suggest that what has been proposed here, to allow another storey, is a way of doing that. For, like the Americans say, "You can go upward, and there is nothing to stop you there but the heavens", it is one way of utilising space and getting value for money, as far as development is concerned. From what has been presented by the Member moving the motion, and from what I see in the actual text, I believe this is a wise move, and a move that should stimulate developers to look towards, I hope, the eastern districts of Grand Cayman and that this approval or regulation be, through whatever means, legally extended to Cayman Brac and Little Cayman, so that those Islands can also benefit from this particular change in the Regulations.

I hope that this will be an immediate medicine towards seeing development in East End, which was mentioned by the Honourable Member - Bodden Town, North Side, Cayman Brac and Little Cayman - which need this type of development much more significantly than the very highly developed western peninsula of the Island in comparison. Madam Speaker, I am very happy, on principle, to be able to support this Motion, and I think the Member has, indeed, taken a very positive step.

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

**MR. ANTHONY S. EDEN:** Thank you, Madam Speaker. I totally endorse the comments made by the Second Elected Member for Cayman Brac and Little Cayman. I, too, wholeheartedly support this bold and innovative step by the Honourable Member for Tourism, Environment and Planning. I think this will also go a long way towards getting our foundering construction industry going.

I am aware that with one certain project in my district of Bodden Town this was a possible hang-up, and why it has not gone. These developers will be glad to know that we are taking these actions. We all know how expensive beach land is, and I know that being able to add an extra floor will go quite a long way to helping them get the return on their money. I would at this time ask that consideration be given at some future time to the commercial sector, that consideration be given to raising the number of floor levels. I think that this will also be a great contributing factor in speeding up and jump-starting the construction industry.

Once again, I give my full support to this move. Thank you, Madam Speaker.

**THE SPEAKER:** The Fourth Elected Member for George Town.

**MR. O. KURT TIBBETTS:** Thank you, Madam Speaker. In reading these amendments to the Development and Planning Regulations I too wish to voice my support for the move. I think it is reasonable to point out that the Cayman Islands, based on the development that has taken place, are now at a point where beach frontage and ocean frontage is where the most value is received for property. I think the way these amendments are geared, one very good return will be the ability to construct buildings which will allow for more ocean view for the tenants of the various properties. So, along with what has been said, I think it is going to be very productive as to the saleability or the rentability of properties as they are built with more storeys.

The only question that I have, and I am not very knowledgeable, and I hope to get some assistance from the Member here, this zoning that the amendment affects, I am not so sure if there was not also in recent times problems with set backs, especially with regard to single-family homes being developed in areas that are zoned Beach Resort Residential. I wonder, if the Member intends to speak again, if he would advise this House if that matter has been cleared up and, if it has not, if there is any intention to deal with that? We have had a lot of problems with individual homeowners being faced with set backs that apply to hotels. Many properties on the Island which would normally have been buildable can not be built on because of the

extensive set backs. That is a question on my part. It may have been cleared up, but it came to mind and I would like to hear something regarding that. But with regard to the amendment proposed here, I would like to say that I fully support that.

Thank you.

**THE SPEAKER:**

The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker.

I wish to commend the Mover for bringing these amendments to the Regulations of the Development and Planning Law. I think that this is a move that will not only benefit those districts and constituencies which the amendments will allow this type of construction to take place in, but it will benefit the Islands as a whole because the spin-off will be far reaching.

I believe this is what was needed in districts and areas such as that represented in Parliament by myself and my colleagues from Bodden Town, because we have not generally benefitted as much as we could have from the expansion of tourism. It is not that we do not have good beach land in Bodden Town, it is just that it is far away from many of the activities on the western and central part of the town. Also, those stretches of land are not as expensive as, for example, the Seven Mile Beach. So this will facilitate development and attract developers. I believe I am safe in saying that there is at least one developer who was waiting on a move such as this.

I would like to take up on a point mentioned by my colleague, the Second Elected Member for Bodden Town, in his presentation and that is that it may well be that the Government should give some consideration to extending the amendment so that in the near future buildings in other areas, and commercial type buildings can be extended higher, because, as we well know, desirable and available land is getting scarcer and more expensive. One way of doing this, particularly in those cases where it would not infringe on air traffic, would be to extend into the air.

So, Madam Speaker, I welcome the amendments. I give them my wholehearted support and look forward to prosperity in my constituency as a result.

**THE SPEAKER:**

If there is no further debate would the Mover care to exercise his right to reply?

**HON. THOMAS C. JEFFERSON:**

Yes, Madam Speaker, thank you.

I think in presenting the motion, I did make the point that the reason why I apologised for putting the motion was because we were trying to do something for the Eastern Districts. There is a project presently to be constructed in the Queen's Highway area that this will assist. There is a project in the Bodden Town District area that this will assist, and I am not going to stand here and allow any other speaker to take any credit for this amendment. I will give them credit for supporting the amendment, yes. This they are justly entitled to. But I have worked with the Members of the National Team, and I have their support in bringing this here - to them I give full credit as well.

One Member raised the point that this should be extended to North Side, Bodden Town, Cayman Brac, and Little Cayman. That is what it is seeking to do - extend it to all areas of Grand Cayman where it is zoned Beach Resort Residential. I have every agreement that it should also be extended to Cayman Brac and Little Cayman for I believe, as three Islands, we should be subject to the same regulations throughout. I think the more you divide it, the more you are likely not to have proper control or proper incentives for all the Islands in various types of developments.

I would not agree that the western peninsula of this Island is fully developed and not in need of any incentives for construction of facilities of this sort. All we need to do is look at the West Bay/Barkers area and know that there, too, there should be incentives for development of such facilities. Why not? Let us talk about providing assistance and incentives to all areas of all three Islands to ensure that the people of this country are able to find full employment to maintain the high standard of living which we have, and quality of life, and to send a message to developers that, yes, this Government is willing to work with you in the construction of facilities which meet our required standards. I do not believe that there are too many Islands that you can go to in this part of the world, or any other part of the world, where the standard and quality of construction is higher. I give full marks to the construction industry, the architects and developers in these Islands.

The Second Elected Member for Bodden Town mentioned commercial zoning and the need to consider allowing commercial development to rise to higher heights - if I can put it in that way. He knows, just like me and the Members of the National Team, that we have been discussing the subject. I think he also realises that we are in full agreement on the subject - that we should look at it and see whether rising to higher levels, or allowing more floors in commercial areas given that it is within the safety of life parameters - when I say safety of life, given that the floors can be serviced in terms of possible fires by the Fire Service - I personally do not see a problem. But it is a matter which requires deep consideration on all fronts. I believe, if I am not mistaken, that the District Development Committees did look at the subject and, obviously, the revision of the Physical Development Plan should be coming forward sometime in 1994, and I believe that this matter could be looked at then, if not before.

I thank the Second Elected Member for Bodden Town for raising this matter. I should also say, that I thank all Members for their support of what I would call the Draft Regulations which will bring much credit to the construction industry. The Fourth Elected Member for George Town, and the Second Elected Member for Cayman Brac and Little Cayman, I thank them, too, for the points they have raised.

I think the Fourth Elected Member for George Town raised a point about set backs. With Beach Resort Residential, the set back is 75 feet from the low water mark with the Central Planning Authority having the power to reduce it to 50 feet where necessary. I hope that answers his point, and I thank him for raising it as well.

Thank you, Madam Speaker.

**THE SPEAKER:**

The question is that Government's Motion No. 6/93 be approved. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. GOVERNMENT'S MOTION NO. 6/93 PASSED.**

**THE SPEAKER:**

We continue with Private Member's Motion No. 12/93, debate continuing, thereon.

## OTHER BUSINESS

### PRIVATE MEMBERS' MOTION

#### PRIVATE MEMBER'S MOTION NO. 12/93

#### REQUEST FOR REVIEW OF MARINE ZONING IN THE CAYMAN ISLANDS AND IMPROVEMENTS IN ENFORCING THE MARINE CONSERVATION LAWS AND REGULATIONS

(Continuation of debate thereon)

**THE SPEAKER:**

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, listening to the reply of the Honourable Member just moving the Government Motion, I am a little bit intimidated to even offer a word of appreciation for the acceptance of this Motion for fear that it might seem that the Backbench is putting forward something that the National Team does not already have on its plate. However, be that as it may, I think that it is certainly outstanding that the Government has accepted Private Member's Motion 12/93, brought by the Fourth Elected Member for George Town, Requesting the Review of Marine Zoning in the Cayman Islands and Improvements in Enforcing the Marine Conservation Laws and Regulations.

I think that all Members in this House at one time or another have had representations from people in the various districts about making some changes in the various zones to accommodate different activities. I certainly have had various representations from persons, particularly relating to fishing, people who have fished in certain areas, both here and in Cayman Brac and Little Cayman, what they consider good fishing spots that have been in some instances made inaccessible due to the particular zoning in the area. When these zones were put in place, it was a most controversial subject. Even today, or at least in recent times, there have been fights between the aqua sports operators, who the fishermen claim in some instances are having more use of the sea in some areas than they do. The fishermen claim to have been there first, which is certainly true. But I believe overall the role that the Government needs to play is to provide some balancing act where all parties are satisfied, as near as is possible and reasonable.

In Grand Cayman there have been large zones set up and, in particular, I have heard complaints from people who have fished in the North Sound for many years, and are children of people who have fished there. They complain that so large an area where fishing is not allowed, that Government should consider rezoning part of it, or opening the area and closing another, allowing fishing in the one that is presently closed. There are various arguments put forward by people interested in or affected by these zones.

I recall when this law was being passed. It was said in releases made by the Government of the day, that these zones would be conditional or subject to change, and that reviews would take place between three and five years. It has been long past that time now, and I do believe that to review the situation would be very timely. The views held at the time that they were put in place have perhaps changed from a scientific stand point. Maybe there are new things to have taken into account. From the point of view of the fishermen, from the point of view of the aqua sport operators, conditions may have changed, and the areas designated may well be used for some other purpose than they are presently designated.

I think that this review would be, indeed, very good to undertake at this time. I certainly support the Member for George Town in his efforts in requesting that a "window", as it is termed, be created in the George Town district from the Treasure Island Resort to the old Pageant Beach site, similar to the one in West Bay. The people who use this area more frequently would have the same needs or requests for it as in the other section of the Island.

Madam Speaker, when I consider the situation of these zones, and I think comparatively of the amount of fishing done in Grand Cayman versus what is done in Cayman Brac or Little Cayman, perhaps in the latter two Islands (although they all make up one happy equal group of Islands) more fishing may be done there and perhaps persons who do fish there depend to some greater extent on making a livelihood from fishing. So, in reviewing this matter, I would hope that everyone - the watersport operators - would

have the opportunity of making their representation; that all Elected Members, not just those of the National Team who regularly are two or three days ahead of anything that might conceptually arise from those who are not there, would have an opportunity of having their input; and fishermen, or anyone - conservationists, the whole works - that would be interested would make representation on this, and that a happy medium be found among all the various concerned parties.

Madam Speaker, I think there is some room for improving enforcement of the Marine Parks area. I know effort is being made now, and has been since the time that these were put in place. But I am sure, as with anything, there can be improvements in the effective enforcement of the Marine Conservation Laws and Regulations. So I, also, support that resolve as is set down in this Motion. Having said that, I think that overall this is something which is timely and good for the Islands at this time, and it certainly comes within the purview of all the Elected Members of this House, not simply those of any particular one grouping.

Thank you, Madam Speaker.

THE SPEAKER:

The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH:

Madam Speaker, we are happy to support the resolution before the House and whether some Member - in fact, whether the last Member who spoke - likes it or not, the National Team is a working Team and we do not sit idly by and allow atrocities to happen, or to go on in the country without addressing them, nevertheless, we appreciate when any Member, other than the National Team Members, brings a matter or a solution to any matter to this House or to our attention. We are happy to sit down and talk it over with them. In fact, the Fourth Elected Member for George Town sometimes does that, and we are happy that he realises that we are a Government that will listen and sit down and talk things over. We do not hold a mortar pestle over anyone, we would rather sit down and discuss problems with Members.

I personally can support the resolution because for many years, in fact since the development of the Marine Parks, I have pushed for another area such as what is being asked for. We have people in our district who have been discussing with us the same matter. While we were on the Backbench, the Third Member for West Bay and I moved several motions to address the same matter. We, too, have received the petition from those concerned. In fact, it is not only people from George Town as signatories to that petition, but there are people from West Bay too. Also, I should say, in the absence of the Honourable Member for Education, that the Member has voiced his concerns over a period of years about the situation and he, too, had discussions with fishermen from George Town from time to time. He is unable to be here for this debate, but I do know that he supports the Motion.

Any time that we can do something that is lawful, that is good for the country, the National Team Government will do it.

THE SPEAKER:

The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON:

Thank you, Madam Speaker. Last year, in the run-up to the Elections and during our campaign, members of the A-Team were approached by quite a number of people from the district of George Town, especially from down the North Church Street area where we know there are a number of fishermen. We were approached from then about this matter. We dealt with it, as a matter of fact, from our campaign platforms. Even before the elections took place this was discussed, and I was very, very aware of Government taking a very serious view on this in order to facilitate constituents who were fishermen, in particular, those who reside in the north section of George Town.

So, I am very happy that it has come to this, and the Fourth Elected Member for George Town has seen fit to bring the Motion to the floor of this House. I certainly will be supporting it. This has been in the pipeline, however, for quite some months now.

THE SPEAKER:

The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY:

Thank you, Madam Speaker. I, too, rise to support this Motion. I would like to commend my colleague from George Town for bringing it. Like my other two colleagues from George Town, I feel very happy to support it as well.

I feel that for some time now the review of the Marine Zoning in the Cayman Islands should have been considered and improvements made in all areas of the laws. I think someone touched on the whelks, the fish, and the crabs, to make sure that they are protected because the lobsters and conch seem to be coming back and are very well protected. I think that our people are respecting our laws. There needs to be more improvement in enforcing some of the laws, and I think this will be addressed as well. I am happy to see this Motion before us today.

Thank you, Madam Speaker.

THE SPEAKER:

If there is no further debate, I will ask the Mover of the Motion if he would like to exercise his right to reply.

The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS:

Thank you, Madam Speaker. Oh, if it could be like this all the time! Madam Speaker, I think that it bodes well that there are matters that can be dealt with for the benefit of the people of this country without us

falling into renegade tactics. Without going into a lot of detail, I would like to express my appreciation to the Members of this Honourable House for supporting this Motion. I feel strongly about this Motion, having been made fully aware of certain situations. I would also like to say that it proves, as has been debated before, that Private Member's Motions if not interpreted in the wrong vein can serve good purposes in this Honourable House.

THE SPEAKER:

The question is Private Member's Motion 12/93, Request for a Review of the Marine Zoning in the Cayman Islands and Improvements in Enforcing the Marine Conservation Laws and Regulations. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. PRIVATE MEMBER'S MOTION NO. 12/93 PASSED.

THE SPEAKER:

The next item is Private Member's Motion No. 13/93. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 13/93  
PRESCRIPTION AND ENFORCEMENT OF ROAD CONSTRUCTION STANDARDS

MR. GILBERT A. McLEAN:

Madam Speaker, I beg to move Private Member's Motion No. 13/93, Prescription and Enforcement of Road Construction Standards, which reads as follows:

"WHEREAS existing roads and proposed new roads form a major part of the infrastructure of the Cayman Islands;

AND WHEREAS construction of new roads and maintenance of existing roads are major items of capital and recurrent expenditure;

AND WHEREAS there is continuing need for road development in the Cayman Islands including roads into the interior to open up what is called "virgin" land for development;

AND WHEREAS in view of the above consideration it is critical that roads be constructed to specific standards which ensure their structural integrity both from the point of view of attaining best construction and cost of future maintenance;

AND WHEREAS the Member for Agriculture, Communications and Works Informed the House that no testing is done on materials and densities with regard to the construction of roads;

AND WHEREAS the Member further stated that only visual inspections are done to determine if these roads are built according to specifications set by the Public Works Department;

AND WHEREAS it is impossible to factually determine by visual inspection the quality of materials, density and thickness and durability of materials in place;

BE IT RESOLVED that Government review its present specifications for road construction making any amendments deemed necessary and that these specifications be strictly adhered to by Government and private developers;

AND BE IT FURTHER RESOLVED that Government enforce the specifications for the excavation backfill and reinstatement of a trench less than 24" wide in the road reserve;

AND BE IT FURTHER RESOLVED that Government issue new specifications for road construction for light traffic, medium traffic and heavy traffic and that these specifications be adhered to by Government and the private sector;

AND BE IT FURTHER RESOLVED that Government inspect all private roads built in subdivisions testing as appropriate to determine that such roads meet prescribed specifications;

AND BE IT FURTHER RESOLVED that the Public Works Department issue a set of specifications to material producers and suppliers which fall within the specifications set for road construction and which defines the testing procedure to be carried out on these materials;

AND BE IT FURTHER RESOLVED that the Public Works Department develop a specification for filling any Government site, such specification to include testing procedures to ensure that the quality of the fill materials delivered to these sites will conform to these specifications."

THE SPEAKER:

The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. I respectfully beg to second the Motion.



**THE SPEAKER:**

The question is that Private Member's Motion No. 13/93, having been duly moved and seconded, is before the House and is open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker.

This Motion is before this Legislative Assembly to bring to the attention of all Members of this House, and to bring forward the opportunity for Members to speak on the particular issue which this Motion addresses, that is, the subject of the Enforcement of Road Construction Standards and the Prescription of Road Construction Standards in these Islands.

We have seen here, over the years, that development seems to follow where roads are created. So, undoubtedly, we can easily conclude that the existence of roads, and that any new roads that will come about, will have an immediate effect on the infrastructure of these Islands. Roads provide access which did not exist prior to their being built. With access comes communications that did not exist previously. Certainly, where there is ease of movement on the ground, people are more inclined to develop sites, or places, within which these roads touch. This includes commercial properties, as well as the development of land for agricultural purposes.

I believe that the extent to which agriculture has developed in these Islands has been a direct result of the fact that the interior lands have been made more accessible by roads being built to these lands. Over the decades, one of the largest items of expenditure in these Islands has been the construction of new roads and the maintenance of existing roads. This has been reflected in the Capital Budgets of successive Governments, and also in the recurrent expenditure. The present Government is no different in that some of the largest sums of money are earmarked for road work. In fact, the Financial Secretary has said that of the approximately \$9 million that is going to be borrowed for Capital Works, a major part of that will be going into what he terms substantial road improvement in all districts and new development of all three Islands. This, according to the Financial Secretary as well, will include an additional road corridor along the West Bay Road beginning at the Harquail Centre and leading to the Airport area. One of the objectives of this exercise, and of this expenditure of Government money, is to alleviate traffic congestion in the George Town and West Bay area.

Madam Speaker, I have no problem, generally speaking, when governments go about spending money on roads, for roads are very necessary to the infrastructural development in these Islands. The costs, however, are very high. This is why it is so necessary for the Government to ensure that it gets the best value for money. The best way for Governments to ensure this is to set specific requirements for the building and the constructing of roads, and to see that these requirements are enforced throughout - no leeway being given to Government itself, and none being given to private developers. From what I have been able to gather, in the past (and right up until recent times), there has been a problem with the enforcement of specifications and requirements. In fact, the present Member responsible for roads in these Islands has confirmed that requirements have not been followed in various instances. It is my belief that he is not afraid to insist that they be enforced. I would imagine, and certainly hope, that by this time certain orders, or directives, have been put in place regarding this particular area of the country's development.

Roads are not revenue generating. I believe that unless they should become toll roads they will not become revenue generating - that is, directly. Indirectly, they may be revenue generating in that you may find developments springing up where roads have been made. But directly, they are not revenue earning, they require maintenance, which means that they become a continuing, recurrent liability to the country. I have come to realise, and this is over many years, that I was not, perhaps, as keenly attuned to the extent of money that the Government has spent over the years. It goes into the tens of millions over, even say, the past decade. So, it is simply good, common sense for Government to give its keenest scrutiny to see that roads are built to specific standards.

I have also become aware in recent times through attending a seminar (one of about four that were held), at which there were about four Civil Servants - highly placed Government Officers - some developers, and at least one person from one of the big construction companies that we have in these Islands. [It was a seminar] on different types of materials by which roads are being built. What particularly caught my attention was the considerable variations of what we have always built most roads in Grand Cayman from - marl. Marl, which over the past generation, has been mined or dug out of the interior of the Island, is, in most regards, completely different than the marl which is dredged from the ocean bottom. I learned that the former, that is, the marl dug from areas such as Newlands and the various parts of the Island where it has been dug, has greater reliability in terms of its performance and its ability to withstand loads, and resist a breakdown which comes as a result of traffic on it. Of course, there developed a problem in that particular regard in that digging the marl out was creating large holes in large areas of the Island and, I dare say, the Planning Board rightly said, "look, we have to stop this particular way of getting marl because of what it is doing to the topography of the Island".

So, we are aware that there have been various developments in the Island that have reverted to dredged marl. Some of our biggest housing developments in this country are in areas of dredged marl. But this dredged marl has a lot of silt and, as far as I can understand, this gives it less structural integrity - there is more movement, it settles less, and so on. The Government, as the biggest purchaser of marl for the building of roads, has had, of necessity, to resort to buying a lot of this dredged marl. In this particular seminar that I referred to, it was shown by the person who was an expert in this field that one of the reasons for the breakdown in the surface was because of this particular type of material, where it is left purely on its own as the top base without some other reinforcing material to hold it steady, and to give it the strength to resist the wear and tear of the roads.

Now, I am not relying totally on the advice, or what was

presented at that seminar, but there were also persons from the Public Works Department present who did not attempt to refute the facts that were being presented in that regard and, in fact, admitted that what was being said was correct and that the Government could continue to use marl, but also using so many inches of aggregate as the top base would, indeed, prove a better and a longer life for the roads in the Island. One thing that actually astonished me was the remark from someone involved in this particular area of Government, that is, roads, when he said that the Government was aware that what the expert in this field was saying was true, but that the Government took into account the fact that there were various suppliers of marl and, as such, Government was prescribing around the suppliers certain standards.

What I have said are not his exact words, but I am consciously doing my best to factually relate what the individual stated. It absolutely took me by surprise, because I could imagine a statement like that coming from someone who has a political orientation, but not from a technical person, because good technical people are people who will look at anyone not in their particular position and say, "Sir/Ma'am, this is the correct way, these are the standards, if you want them changed, you will have to change them". It took me by great surprise to imagine that there has been, apparently in the past, some pandering or catering to less suitable materials for the construction of roads. When one thinks that some of the largest sums of money spent in this country go to the creation of roads, it is the peoples' money that is being spent, and wasted, and no government has any obligation to cater to any particular supplier of material for roads. My position, having learned about what is best in this regard, is that the Government needs to put in place specific specifications and requirements which will prescribe by density, by layer, by material, by everything, how the roads in the Cayman Islands should be built - henceforth, and always. They should only be changed where it might be necessary to further specify greater integrity of the roads.

Often I have thought of how it is that the roads in Cayman Brac and Little Cayman seem to stand up so much better in their surface than the roads here in Grand Cayman. It suddenly became clear to me that it is because of the use of the material. In Cayman Brac and Little Cayman there is no marl. So the only material that is used in those two Islands is aggregate, which is bought from the local supplier there. Particularly in Little Cayman, where a material is used which I have heard referred to as "quarter inch minus", when that is put on the surface that compacts to almost a cement-like surface. With all the traffic, and there are some big heavy trucks and equipment there now, it maintains, to the largest extent, its structural integrity and keeps a good smooth surface. In comparison, the smallest stretches of road in that Island, where there is sand, one can get no message in the world like the one they could get driving on that and having one's entrails shaken apart.

So, Madam Speaker, in comparing these situations, I am fully convinced that we need to address this situation right now. We cannot afford to cater to any suppliers of material. But, certainly, I believe all suppliers of material have an opportunity of selling their material to the Government when Government is purchasing for the construction of roads. But, different types of material with different layers should be used for Government to have the type of roads which it needs, which will give longer maintenance-free terms, like I have heard spoken of 15 or 20 years in this regard. The combination that I understand it requires, is marl in the lower layers of the road and aggregate in the upper layer, or surface. We have two quarries, or three if we include the Brac, there is sufficient aggregate, although that will eventually go in short supply as well. But, we have the capability of improving the roads in these Islands.

Of interest, too, was the fact that I learned that it is possible for engineers to engineer a road through a swamp without going to the large expense of mucking out all of the mud that one finds in those areas. It is possible to engineer, to put boulders, or whatever, into that so that the density is achieved and a road can be put through even swamps, places that are under water. So, it gave me an extremely good insight into one of the areas that Government spends, and has spent, some of the largest sums of money.

Madam Speaker, it has also been revealed in this Session of the House that in subdivisions the Public Works Department resorts to visual inspections of roads to determine whether it is suitable or not. That cannot be sufficient, because it is unscientific. The Public Works Department, for the number of persons now employed who are graduates in the field of engineering, and otherwise, are sufficient to inspect the roads properly. The Public Works Department is not undertaking, as such, the amount of road work like it did in the past, so there should be more persons available to do it. I also learned that in the possession of the Public Works Department are gadgets. I do not remember the name right now, but it is a nuclear type of gadget that is extremely sensitive that can test density. There are about three or four of them here on the Island, so there seems to be little excuse why this is not being done. Surely, the Public Works Department should not be allowed, in any regard, not to perform what is its absolute duty.

I take the question of subdivisions. In 1977/78, I used to be the Senior Assistant Secretary in Communications and Works. At the time a lot of road work was going on. I remember at that time the question arose about subdivisions. There were large scale complaints in this country about how poorly roads had been constructed. The big subdivisions of that time were Prospect Park, and the likes. People who had actually bought lots in a number of these subdivisions were suffering from the type of roads they had to drive on. Of course, at that time there was really little requirement, or onus developers to provide the type of roads which would stand up over an extended number of years.

In subdivisions now, any developer, I believe, will tell us straight off the bat that one of the chief costs in a subdivision is the cost of the roads. We would indeed be lost to the facts if we believed that any developer here absorbs those costs and does not pass it on to the people who are buying those lots. My argument is that in subdivisions lots are being sold generally high and expensive because the developers want their profit margin, and they are not prepared to go below a certain profit margin. Since the exercise of including the cost of the roads in the amount charged for the lot, then the people who buy those lots must be protected to see that they are buying within a subdivision that is offering roads to them which reflect the type of cost that they are paying. Generally, that is not the case. In most recent times there may be some stiffer

requirements but, Madam Speaker, the point that this Motion wishes the Government to turn its attention to and address, is that in subdivisions roads must be constructed to a standard which will reflect the proper integrity of the roads, and can give a longer life.

In recent times as well, there has not been, as in past administrations, a lot of road surfacing. I remember the times, when I was in the Portfolio I referred to earlier, when the Government of the day had a policy that each year it would do four miles of chip and spray roads, and one mile of hot mix. It was out of that process and exercise that most of the hot mix, and spray and chip roads in this country came about. But that we, at this time, can know and understand how the roads can be improved, how we can save money by, perhaps, initially spending 2%, 3%, 4%, or 5% more in constructing it - but, it will last for 20 years - has to be better financial management.

Another area where there have been problems that anyone who drives the road can see, is in the excavation, backfill, and reinstatement of the trenches that go along side of the road; such as those put in by the Water Authority and the sewage people and so on. Anyone who looks at those trenches, or those areas, normally about 24 inches or less, will see that that section of the road falls fractions of an inch, or an inch in some instances, below the already existing surface of the road. My understanding is that it is not that the Public Works Department did not have certain specifications laid down for the back-fill of these trenches, but that they were simply not being carried out and the Public Works Department was not enforcing against them which, to have met the specifications of the Public Works Department, would have required certain aggregate fill to apparently hinder it from that sinking effect.

So, the Motion is asking that the Government enforce that particular requirement specifically, and insist that it be done. The roads, in this regard, have actually been damaged and the question is, who is going to pay? I would bet, not the Water Authority, not the telephone company, and not the sewerage people but the Government, again, is going to have to come behind and replace that road surface.

Madam Speaker, it is all cost that we are talking about here. If we, in these Islands, can sensibly address the question of road construction we can save money which we can direct into other areas of the country's development.

**THE SPEAKER:**  
presentation?

Honourable Member, do you have considerable more in your

**MR. GILBERT A. McLEAN:**

No, Madam Speaker, just a minute or two perhaps.

**THE SPEAKER:**

Thank you. Continue please.

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker. The Motion, therefore, is seeking to get Government's commitment to writing specifications, where they may not already exist, for the excavation, backfill, and reinstatement of the trenches I have just referred to; That the Government require its engineers to develop specifications that will suit light traffic, medium traffic, every traffic where this is the case, and that it prescribe, clearly, the specifications with the right type of materials to achieve what is necessary, and that subdivision roads, such as the ones people now suffer on when they drive on them, that no more of that will happen in this country.

I have cause nowadays to drive on a road in Belford Estates, Bodden Town, and Madam Speaker, that road could not really truly be called a road. That the Government can require at this time, the developer, or developers, or the people who do that, to do something about it, I do not know. But, Madam Speaker, in many of these subdivisions the lots have not been sold as yet, and I believe that Government has good cause, in the interest of the people, of the public, to require even some of these existing subdivision roads to be improved through whatever methodology, whether it is cost between the developer and the lot owner and Government, or whatever. But, really, something should be done about it.

Madam Speaker, lastly it is asking that the inspections, which Government should see are carried out, are carried out without favour to anyone, including itself. Thus we can have an improved situation in this wide area of our Islands' development and large area of expenditure. I, therefore, recommend this Motion, Madam Speaker, to Honourable Members, and hope that they will support it.

Thank you.

**THE SPEAKER:**

Proceedings will be suspended for 15 minutes.

**PROCEEDINGS SUSPENDED AT 11:46 A.M.**

**PROCEEDINGS RESUMED AT 12:09 P.M.**

**THE SPEAKER:**

Please be seated.

Debate continues on Private Member's Motion No. 13/93. In view of the reluctance of Members to continue, would the Mover wish to .... the Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:**

Thank you, Madam Speaker.

Madam Speaker, I rise to speak to Private Member's Motion No. 13/93, which has been put forward by the Second Elected Member for Cayman Brac and Little Cayman. I must say, that this Motion is bordering on what I would consider to be the waste of the time of this House, because it is a fact

that not too long ago the full contents of this Motion was put forward here during Question Time, and I was shocked to see that the question was then turned into a Motion. This Motion is a lengthy one, Madam Speaker, and it will no doubt take me some time to go through it as I intend to do.

The fifth clause of this Motion does give me some problems, and I would like to say that I have never told this Honourable House that no testing is done on materials and densities with regard to construction of roads. I did tell the House previously, in reply to a question on testing of materials for subdivision roads, that testing is done on a random basis. Random, in my book, does not mean "not"; and "roads" is a lot broader than subdivision roads. For example, I can assure this Honourable House that on the recent section of road in the Eastern Highway, which was built by the Public Works Department, the density, of the base material in particular, was quite regularly tested to ensure that it was compacted properly. But, in the answer to the question in the House, which was also brought by the Second Elected Member for Cayman Brac and Little Cayman, it was pointed out that standards are enforced by random testing. It went on further to say that on projects of the Public Works Department, testing is done by a private laboratory also. So, Madam Speaker, with regard to what is being put forward here in this Motion, very little more can be added to clear that point, because, the way the Motion is, I consider that clause very misleading, taking into consideration that the facts had been put forward during Question Time.

Turning to the sixth Whereas. I have to refute this also, based on what I have just said. I did tell the House previously, in response to a parliamentary question, that in subdivisions materials and construction have been visually inspected by the Public Works Department as time and personnel permits. Madam Speaker, I think that is clear enough. It did not say public roads in general, I specified subdivision roads. I would like to say, Madam Speaker, that I believe it would be appreciated in the future, that when a question is asked and answered, that one is more careful in what they attribute to the person who answers the question. I certainly do not want what I said to be misinterpreted by anyone and, certainly, I would not try to misquote anybody on what they have said to me.

In turning to the Resolve sections of the Motion, I want to deal with these very carefully. The first resolve asks that, "Government review its present specifications for road construction, making any amendments deemed necessary, and that these specifications be strictly adhered to by Government and private developers." Madam Speaker, the Public Works Department has issued concise specifications in the form of a document entitled "Minimum Design and Construction Specifications for Subdivision Roads". This has been passed on to all architects, engineers, surveyors and contractors involved in road construction on the Island. These are normally the people that developers turn to when they wish to subdivide land and these specifications are aimed at these developers of subdivisions. This document was approved by the Central Planning Authority, which is the agency that considers applications for subdivisions. The specifications were last reviewed in July 1992. Which, again, I pointed out during Question Time here on the floor of this House. I would like to say that, as far as I am concerned, being the Member for the Portfolio, they will likely be reviewed again in the very near future. However, the Government is satisfied that the current specifications are worthwhile, that they are serving the purpose for which they are intended, and I would like to say that while I am sorry for what has taken place with regard to subdivisions in the past, it is impossible for me to cry over spilled milk. But, for certain, I am doing everything possible to make sure that this does not continue in the future. Again, I am repeating myself because this is what I said during Question Time.

Madam Speaker, as far as adherence to these specifications by private developers is concerned, obviously that is the reason why they were made. At the same time, Government has never been in the business of subdividing land and building subdivision roads. What Government has been having to do, too often, and I will be the first to say it, is to repair and rebuild roads that developers have not done. It is no doubt a very major problem in several parts of the Island, and one which I am going to have more to say on later, but what I can say here and now is that it has not always been possible for the Public Works Department (and again, as I have pointed out before) to follow the specifications on every occasion as they were building the road for the first time.

I would say, Madam Speaker, every Member of this House should appreciate, because I doubt that there is any one of us that on some occasion has not wanted the Public Works Department to do more work for our districts than they have had the funds available to do and, I would say, to do the way that Public Works' standards would wish to do it. Many times when somebody calls and says there is a road that has a lot of pot-holes, perhaps Public Works Department upon examining that piece of road would recommend and would like to rip the whole piece of road up and do a complete resurfacing, but, because there is not sufficient funds available, it therefore is impossible.

If the problems with subdivision roads in this Island were limited to the problems which we experience on regular roads, the Public Works Department would not have too much of a problem, - because they know, more or less, what is on the public roads. But, because of the fact that the other roads have been in some cases constructed by other companies, it is almost impossible to expect that they would be fully briefed on what is there. We know, as a fact, that there are many of these developers who only engage in subdividing land for a quick buck and, no doubt, this is the reason why the purchasers of the land suffer as a result. But, I would like to say, I believe in whatever task the Public Works Department undertakes, like anything else, we will have to give them some sort of discretion, and I think it would be stupid of me to try to withdraw that discretion from them.

The second Resolve of this Motion suddenly introduces a new area - one that was not even mentioned in the Preamble of the Motion. This Resolve calls on Government to enforce the specifications for the excavation, backfill and reinstatement of a trench less than 24 inches wide in the road reserve. I would say these specifications are generally enforced, but the Government acknowledges that it has still proven to be a difficult task to get the final results which the specifications calls for. For example, some of the

work which was recently done as part of a project with the Water Company, putting in a supply line to one of the Eastern districts - and I speak specifically of the area going through the district of Bodden Town - It is not up to scratch. I will be the first one to say that. I believe I was probably the first Member to make noise about it also. The Public Works Department has, no doubt, rejected it. We have rejected it and, of course, the Water Authority has been consulted on the matter. They have been told that it has been rejected by the Public Works Department and we have also instructed them that it has to be redone. So, I think it is quite unfair to put all the blame at the feet of the Public Works Department because their part of the job is being done.

Again, Madam Speaker, I am aware of many roads that have been destroyed over the years. But, while I am here trying to correct as much as possible, I cannot, and will not, take the blame for what has been done before I took Office. As far as I am concerned, the standard was taken on the Bodden Town Road and will continue to be my position and whenever such roads are ripped up by any company, I am prepared to say that the Public Works Department will be instructing that company that it has to be brought up to standard, and not only brought up to standard, but at their expense.

I noticed that the Member made a point on that. He wondered if it was going to be at the expense of the Public Works Department. No, Madam Speaker. The Water Authority is a good example. They have been told it will be fixed to the standards of the Public Works Department and it will be at their expense. I would further point out that Members should have seen by now that in the Budget for next year there is a figure for a piece of equipment which the Public Works Department will be able to say to the individual, or the company, whichever, that tampers with the road surface, that particular piece of equipment can be used. For example, in the Bodden Town district, instead of having the ridges as they are, that piece of equipment will be able to bring the surface back to what the level should have been in the first place. I say this to show that my Portfolio, and the Public Works Department, have as grave a concern with regard to what has taken place with roads in the past as anybody else, and that we are not only concerned, but we are doing exactly what we think is best, and what is right, to have the surfaces restored.

Madam Speaker, turning to the third Resolve. The Motion is asking the Government to issue new specifications for road construction for light traffic, medium traffic and heavy traffic, and that these specifications be adhered to by Government and the private sector. Well, I do not know about other Members of this House, but I would like to say that in recent times I have not seen too much traffic that has not been very heavy. I believe the times of light and medium traffic in this country has passed away. So, in whatever we do, I think we will have to look at what will stand up. That, again, brings me to a point which the Second Elected Member for Cayman Brac and Little Cayman mentioned during his presentation with regard to roads in Cayman Brac and wondering how they stood up so well.

Madam Speaker, in my view, not being a road engineer, that is quite simple - because the surfaces of the roads in Cayman Brac do not, on any one day, go through the punishment of the amount of traffic as the roads in Grand Cayman. Therefore, it is impossible to believe that they would not stand up better than the roads in Cayman. You take the roads from the Eastern districts that I have on many occasions stood up in this Chamber and was like a lone voice crying in the wilderness to many Governments, concerning trying to repair the roads, from Frank Sound on to my district, and on to the Queen's Highway. Nothing was done as a preventative measure. Therefore, today, the country is faced with roads that are in a very dilapidated state. I guarantee that if the roads in Cayman Brac had the traffic as, say, the roads from the Quarry in East End down to George Town central, they would be in much worse shape than they are today. We also have to take into consideration the limited number of persons on that Island versus the hundreds of thousands on this one - tourists alone. But, Madam Speaker, I find that a very awkward comparison to use with regard to comparing the roads there and the roads in this country.

Madam Speaker, while the intent of that Resolve is perhaps good, the Government does not feel that more specifications are the cure that is needed. As all Members will appreciate, and by now all Members have seen, and I refer, again, to the Budget which was presented here on the 5th of November, this Government represents in that Budget a definite, and firm, move toward addressing the problem of roads in this country.

I must, again, deal with a statement by the Second Elected Member for Cayman Brac and Little Cayman, when he spoke of a policy which a previous Government had in place with regard to so much road work each year in each district. Madam Speaker, if the Budget is looked after, you will see that this is exactly the intent of this Government, my Portfolio, and the Public Works Department. What we did, we took into consideration roads throughout these Islands and, in so doing, we did look at Cayman Brac and Little Cayman. But, as the Member has borne me out on, the roads in Cayman Brac could not justify us as doing as much resurfacing as is needed here in Grand Cayman. So, I believe that the policy of a Government of the past, which he mentioned, I believe I am quite versed in that - as much as any other Member - because I am proud to say, Madam Speaker, that while I did not have the same Portfolio at that time, I was a part of the Government that actually put that policy in place. It is my intention, on a yearly basis, for as long as I am in this Portfolio, to bring back that policy to make sure that we try within the means of a Budget to address, as much as possible, the problems with roads in these Islands.

Madam Speaker, the next Resolve calls on the Government to "inspect all private roads built in subdivisions, testing, as appropriate, to determine that such roads meet prescribed specifications". I have previously informed this House that inspections of subdivision roads are done on a random basis as the personnel resources allow us to do. I can assure this House that the Public Works Department would like to be able to do much more inspections and a lot more testing than what is being done. But, as I have pointed out, we are working within the manpower which is available to us. That Member knows, as well as anybody else, that in certain respects it is not as many professional bodies as he actually made it appear to be when he was making his contribution.

What I can say is no more than what I have said here during Question Time, and that is that a young Caymanian is currently abroad studying civil engineering. It is my understanding that upon his return he will be able to contribute greatly in these areas and this is, supposedly, going to come into play at the end of 1994 when the individual returns. In the meantime, I would like to assure this House that I will be instructing the Public Works Department to look into alternative arrangements to increase the amount of inspections which are done because, as I have stated previously, I am aware that it is a limited amount done and I would like to see as much as possible done within the means of the manpower which is available to that Department.

I would like to turn now, Madam Speaker, to the next to the last Resolve. This one is calling for issuing more specifications. This time the Motion is seeking the issuance of a set of specifications to material producers and suppliers which fall within the specifications set for road construction, and which defines the testing procedure to be carried out on such materials.

Madam Speaker, in this country today, there are only two basic materials available for road works. It is a known fact, like he mentioned earlier - marl and crushed rock. All of us can remember that marl has had a long history with regard to constructing roads in this country. But, it is a fact that a good quality marl is not as easily found today as it was, say, 10 to 15 years ago. As a matter of fact, I believe I am correct in saying that during those years the majority of marl was dug from dry land. Today, because of the shortage, most of the marl is taken from the sea. So no doubt we have a completely different type of material to work with.

I would say that good quality marl has performed well, especially here in Grand Cayman, particularly on the surface dress portion of the road. As I pointed out, the quality of marl has deteriorated so it leaves the Public Works Department to try and work between marl and crushed rock. I would say there is no denying that crushed rock forms a very firm and good based road, but it is also my understanding that the mixture of both tends to produce a better end product.

I was most happy to hear the Member point out the various sources from which this material can be purchased, and I would not go into this any further, because it is a known fact that in whatever we do, I am certain that the Public Works Department and I will continue to be ridiculed. But, the most that I can say to the House is that in whatever we do, we are trying to do it within the means of this country and at the same time we are trying our best to spread whatever there is within the budget where not only one district will benefit, but, indeed, the whole Islands will benefit.

Madam Speaker, I can speak with authority on that because I do not believe any other Member, present or past in this Legislative Assembly, has suffered more as a result of not bowing to the whims and fancies of previous Governments than I have. I give Members the assurance that, while one may be a part of this Government, or a part of another Government, I take a very serious view. I do not deal with individuals or their beliefs, I try to deal with what I consider is necessary for this country and the majority of the people.

It is also my understanding that earlier this year the Public Works Department issued new specifications for both the marl and the crushed material, and this was for the reconstruction, again, of the specific piece of road which I mentioned earlier going into my district, and approximately one-half of that project was done with the crushed rock material conforming to the specifications. I am pleased to say that it seems to me that, thus far, it has been working out well.

Madam Speaker, the final Resolve of the Motion asks that the Public Works Department develop a specification for filling any Government site, such specification include testing procedures to ensure that the quality of the fill materials delivered to these sites will conform to the specifications. Again, I have to say that I am not an engineer. But, from the time I first read this Motion, this particular section struck me as being rather strange, because surely, Government has many reasons for which it may need to fill a site, and I will give some examples. For example, quite recently bids were put out by Government for a piece of property in my district, East End, to be filled for the purpose of a playing field. This property was somewhat high and rocky, and it would seem to me that the proper way to do it would be that when it is filled, it is filled in such a way that the water would be able to pass through from top to bottom and then into the ground. So, I fail to see that anyone would expect that we could fill that site - a site which would be prepared for people to play on - and, at the same time, fill it to the specification as laid down by the Public Works Department for such fill.

Madam Speaker, this would differ completely from using that same material, for which specifications have been laid down if it was going to be used for example, on a road project. I believe that for the many different things that this material, as I have mentioned, is presently being used for by Public Works Department, if, in each case a different specification had to be laid down, I believe the manpower that we need elsewhere would constantly be drawing specifications.

I believe as I have said earlier, that the Public Works Department is aware that many things in the past were not up to scratch. I am aware that since taking the Portfolio there were many things which, like the Second Elected Member for Cayman Brac and Little Cayman, I saw and complained about that I have now tried my best to make sure that there will not be a recurrence. So, I believe that we have paved the way, we are on the right track. I will make sure, as I have said earlier, that as long as I am Member that these specifications are followed as closely as I can monitor as an individual.

Madam Speaker, before I conclude, I would like, also, to share with Members some thoughts which the Portfolio and the Public Works Department are considering in order to address the matter of repair and upgrading of roads in existing subdivisions. For not only are we able to see all new subdivision roads up to scratch, we are also aiming to deal with the roads which are presently in bad conditions, like we heard a few mentioned here earlier. While no previous Government has sorted out this problem, the most that I can say, as a new Member in the Portfolio, is that I am going to give it a try, and it is my intention to try my

best to sort it out as much as possible.

One of the first things that we feel needs to be acknowledged is that there is a difference between who benefits from the improvements to subdivision roads, and those who benefit from the main roads. Improvements to subdivision roads only benefit the owners of properties in those subdivisions. The second thing which should be appreciated, Madam Speaker, is that it is unlikely that the Government will ever be in a position, financially, to go in and to upgrade all of the many defunct roads that we have in this country today. I do not see it now, and I do not see it in the immediate future because this will be a very, very costly exercise. I am certain that all Members will agree with me, and would appreciate, that the traffic congestion that is presently experienced on the main roads on a daily basis is, I would say, mainly here in the immediate George Town.

Based on the experience of the Public Works Department in rebuilding roads in subdivisions in recent years, it appears to them that the typical cost of this work say, per lot, in other words, the road in front of an immediate lot, would range in the vicinity of \$1,500 to \$2,000. At the same time, the typical value of a developed lot is, let us use the figure \$100,000 to \$200,000, so in mind's view, even if a figure is tagged on to the improving of that subdivision, and the individuals who are living there are called upon to pay a fair share, I believe it would be to their benefit because immediately it will improve the surrounding land and, at the same time, it will be placing the value at a much higher amount. We are considering speaking to the various individuals in the various subdivisions in trying to sell this idea to them.

Madam Speaker, I would not like to see anybody under any pressure as a result of this, but I honestly believe that it is one of the ways for us to assist ourselves, assisting the coffers of Government with the high cost and, again, a cost which should have never come about so early if the original developers had done exactly what should have been done. As I have pointed out, we are hoping to attack the problem from this point. But, in so doing, I will be very careful that no added pressure is brought upon anyone. I am certain the majority would appreciate it, and often times we find that the minority will tag along once the majority is for it. Again, I must say that this is not to say that if there is an individual in there who does not have the means to do it that added pressure will be put on them. I am not one that believe in trying to squeeze anyone. But, as I look further into the situation, I can see that unless it is addressed, and addressed shortly, the situation will not get any better and each year, no doubt, is going to be more expensive for this Government.

With regard to subdivisions, from now on, as I pointed out to the Member awhile ago, the Public Works Department in recent times has been criticised very much because we are now enforcing that any developer must bring the roads in new subdivisions up to standard. Madam Speaker, I trust that when political heat is put on the shoulders of Members of this Legislative Assembly, they will be able to stand up and deal with it and not run back to this House with questions and try to put down the Public Works Department, or myself, because of the pressure which the developers may bring to them. If this is what this country wants, Madam Speaker, this Member has his feet down and I am standing behind the Public Works Department because I have seen on too many occasions where developers have started developments, sold out lots and turned their backs. Who stands to suffer? The people of this country. The cost, no doubt, is passed on to the Government of the country which, again, is the people.

I believe that there are many who, if it was only possible to legislate and make it retroactive, should be held responsible for certain areas. I know this morning one was mentioned, which is, I think, Belford Estates, and that is only one among many, and it is one of the smaller ones. Right here in the immediate George Town area we have some of the biggest culprits when it comes down to developing subdivisions and leaving them half-cooked. I feel sorry when individuals call my Portfolio and find themselves with a half decent car and while driving to their home it is almost totally destroyed.

I have asked that the Public Works Department carefully study the situation, especially here in this district and, Madam Speaker, I would not want to be the one to bring legislation here, but I believe that when all other things have been tried and it does not work, you will have to rule with the golden fist. So if it takes legislation to do it, so be it. But we can no longer stand by and accept huge bills which should have been for developers, and pass it on to our people.

I trust, Madam Speaker, that from my contribution and, indeed, the Mover and the Seconder of this Motion would be assured that whatever they may be seeking in this Motion is already in action, as far as my Portfolio and the Public Works Department is concerned. The only thing that I can add to that, is that it is not my intention to do anything less but, indeed, it is my intention to keep the wheels grinding and to try to improve upon even what we have done thus far.

I must come back to the concern of Members with regard to the many cuts in roads that have been caused by various companies and, again, I would like to say that we are taking a very serious look at this. It has been a concern of mine in times past, and it is still a concern of mine. Whatever pressure can be brought will certainly be brought as long as I am in the Portfolio.

Thank you, Madam Speaker.

THE SPEAKER:

Proceedings will be suspended until 2:30 P.M.

PROCEEDINGS SUSPENDED AT 12:59 P.M.

PROCEEDINGS RESUMED AT 2:35 P.M.

THE SPEAKER:

Please be seated.

First Elected Member for Boddan Town.

Debate continues on Private Member's Motion No. 13/93. The

Thank you, Madam Speaker.

MR. ROY BODDEN:

Madam Speaker, in rising to speak in support of this Motion permit me to make a few points, by way of explanation, as to the origin of this Motion. The House will well recall that the Standing Orders were changed so that questions now have to be submitted no later than 10 days before the beginning of the Sitting and Motions must be in five days prior to the Sitting. I say that to say, Madam Speaker, that the comment made by the Honourable Member speaking on behalf of the Government, in which he insinuated that the Mover of this Motion, and myself, posed the questions and then used the answers to those questions to frame this Motion, does not bear relevance and, indeed, is not appropriate, as under the existing Standing Orders that situation is precluded.

Madam Speaker, I have also to remark that I am becoming alarmed at the increasing insinuations made by some Government Members when they rise to address Motions brought by Backbenchers - that those Motions deserve to be placed on a rubbish heap, or that they bear on wasting the parliament's time. I am minded to say that Members need to be careful in making wide-sweeping statements such as those because, not only have they bearing on the Backbenchers, but, indeed, it calls into question the integrity and the judgment of the Clerk and, indeed, Madam Speaker, the Chair, who must eventually give its support to Motions.

This, Madam Speaker, is not a one party state, and the Government needs to recognise that there are abilities on the Backbench other than their Backbench Members. I am not asking for any acknowledgment, I am just asking for a little respect. For to the best of my knowledge democracy, as it exists in this country, emanates from the Legislative Assembly up to the Government Administration Building and not the reverse. So, Madam Speaker, I hope that these kinds of reckless remarks, in the future, will be given more thought prior to their being spouted off. I have to say for those who need any reminder that my style is basically this; I can be as civil and as courteous as an Oxford Don, or I can be as incendiary and as fiery as a Brooklyn rap artist. The Government must decide which Roy Boddan they would prefer to deal with. So, let me reiterate my resentment to remarks that this Motion bears upon wasting the time of this Honourable House for the Motion had its origin in concerns expressed to us by our constituents.

In my argument I shall prove, beyond a shadow of reasonable doubt, that there is room for improvement in what is being done. We have never attempted to argue that the Public Works Department is not doing something worthwhile, what we are saying is that there is a need for some consistency and that there is a need for some enforcement. Madam Speaker, I find the admission that visual inspections upon roads at the beginning of the 21st Century ludicrous, and I do not care whom that offends. How can anyone, with the eye, inspect a piece of road and determine its durability, as far as its ability to withstand traffic and weather conditions is concerned? But yet, we were told that the Public Works Department carries out visual inspections, by their own admission.

Let me say, Madam Speaker, during one summer in my early college career, I worked with a large multi-national company who specialised in road building and road construction contracts. The office in which I worked was in close proximity to the laboratory, and I spent every available lunch hour watching what went on in that laboratory. I saw how they tested materials, Madam Speaker, they had a device which they put on the pavement, withdrew a cylinder of a sample, took it to the laboratory and they had a device which they used to withstand pressure punches. They had a device looking like a cannon ball which first they tested it for its ability to withstand pressure punches. They had a device that was put through water pressure amounting to thousands of pounds. I do not see any of these tests being conducted because, interestingly enough, I watched the repair work being done in my constituency by Petroservicios, and it does not take an engineer to realise that, how those trenches were refilled and compacted, that road was not going to last. So we have admission that the work is second rate. I wonder if the Public Works Department is equipped to test for what we call the California Bearing Ratio, a test which is used to evaluate and to classify soil support, and if they are equipped to test for this why are they not testing for it?

So, Madam Speaker, this Motion is, indeed, far from being a waste of time. What it does is try to point out to the Government that our systems can be improved upon. That there is room for improvement and that we need to enforce some of the regulations which we have on the books. Madam Speaker, not only are we talking about subdivision roads, we are talking about main roads, we are talking about roads which are constructed primarily by the Public Works Department for the Government. I am told that a properly constructed road has a life-span of 20 years before it needs major repairs. Properly constructed, Madam Speaker, let me qualify that - it means roads which have been engineered and tested for certain standards and built to certain specifications. Let me say that an observation which I made in this House some years ago, was that our roads are not properly constructed, because we have vehicles using and driving on them now for which the roads were not designed for or built to take. A good example, are those large 50 seater buses, three of which were featured in a recent controversy.

Madam Speaker, when I was living in Canada, those roads, used by haulage contractors, were equipped with weigh-stations at regular intervals. The Transport Authority regularly pulled those trucks off and drove them onto the scale to see if they were carrying the regulated weight which they were supposed to be carrying on the roads and on the highways, because those roads and highways were constructed only to accommodate traffic up to a certain weight. Those trucks which were found to be overweight were hauled off the highway and fined, and they could not return to the highway until some arrangement was made to bring them within the required weight.

We have no such facilities here. I do not know of any standard where our roads are specified to take a certain weight class. That is why, I understand from engineers, that in some places we have sinks and we have bevels, valleys and mountains, because those are pockets where the soil was

not properly compacted and where when heavy and overweight vehicles drove on it, caused it to sink and in some places crack and deteriorate into compound fissures. So, Madam Speaker, what we are talking about here is not entirely farfetched.

There is something else I wish to say. In my mind I think it is a significant point. We cannot always rely on third world expertise to tell us the proper way to do things, when in many of the third world countries they have experienced problems which they did not have the capabilities to solve.

I understand that at a recent seminar, held by someone having some connection with the provision of material here, it was highlighted that any material can be used for building a road - be that material marl, sand or aggregate. What is important is the way that material is placed on the road and how it is compacted. I further understand that may have been the cause of some of the problems experienced in the Cargo Distribution Centre. Certain materials are good as a sub base, they are worthless as a base. So, for example, marl makes a good sub base, that is it can be laid down as the foundation, but as a base it is practically useless because it disintegrates, deteriorates and spreads out so that it loses the compactness.

Madam Speaker, the point at which we need to arrive, and I realise that it is not always easy, is a point which demands from us some graciousness. A point where we can be mature enough to recognise the merits and the good intentions of other people, and to realise that the knowledge, the will and the desire to do good is not limited to one person. It is not limited to Roy Bodden but, indeed, other people have that ability, and that desire. That is even more relevant and more necessary for us to realise when we reflect on the fact that all of us in here, irrespective of whether we are Government, Government Backbenchers, or that other category which figures so importantly, relevantly and prominently in the Westminster system - Opposition. We all have the same motives - the best for our country, the best for our people, and so it is out of this desire that Motions like this emanate.

So there is a need for the Government to examine and, certainly, it is within their right and their prerogative to say that they are not accepting it, but, in so doing, to refrain from making the movers and the seconders look delinquent, to refrain from making it seem like they are trying to subvert, or are trying to lay unnecessary obstacles in the way. I am reminded of an old adage that says, there is no limit to what a man can achieve, providing he does not care who gets the credit.

So at the end of the day, Madam Speaker, it does not matter if the Motion came from the First Elected Member for Bodden Town, or the First Member from Timbuktu. What matters is that there is some merit to the Motion and that, while the Government may not be in a position to, or may not be disposed towards accepting the Motion, they can express their dispositions somewhat graciously so that it does not seem like they are trying to demean or dehumanise the people who might not see eye-to-eye with them.

Back now, Madam Speaker, to some of the Resolves in the Motion. It is my understanding that the Public Works Department, at some stage, was carrying out laboratory tests, was in a position to test for the durability of certain materials, was in a position to enforce some standards by virtue of the fact that they have at the Public Works Department, at this time, a fully equipped laboratory. But what has happened is that the person who was responsible for some of those tests, his position has been made redundant. It is my understanding that that person is no longer with the Public Works Department. However, I must say that it is also my understanding that a young Caymanian is being prepared to take up that position so that possibly, early in the New Year, there will be a resumption of some of these kinds of tests.

Madam Speaker, I was heartened by the Honourable Member speaking for Government by his reply and his undertaking, that as long as he is in the Portfolio he will see that there is no compromise of certain standards. I believe that that will be the case. Nevertheless, the fact remains that in my constituency, at present, there is a stalemate with regards to when the roads will be repaired to their original standard as a result of the disruption made by Petroservicios.

It is my understanding that the contract given to Petroservicios included in it the cost of reinstating the roads to their original position. I can only hope it is not one of those cases where they say, "Well, they had better be satisfied with the state in which we left the roads because, after all, we gave them water and they did not have a Central Water Supply in the beginning". So, I shall be watching and anxiously waiting, Madam Speaker, to see that the roads are expeditiously restored to their original standard.

I would like also to say that the responsibility for subdivision roads must, to some extent, rest with the Government to see that these roads are constructed to standard. I agree with what the Member has said, he cannot be held responsible for what transpired prior to his taking office. But, as I understand it, plans for subdivisions have to be approved by the Central Planning Authority who, themselves, must be satisfied that the roads are constructed to a reasonable standard. Now, after those plans have been approved by the Planning Department, then the developer starts his development. It would seem to me that having reached that stage, Public Works Department then has some responsibility to either liaise with the Planning Department to find out what agreements were made, what specifications were agreed upon, and then the Public Works Department enforces those regulations and specifications.

I am not sure what happens now because, as recently as a week or two ago, some plans were approved for one of the major subdivisions, and I do not know, Madam Speaker, I am not in a position to say if any CBR (California Bearing Ratio) test was done on those roads, or if the approval was given under the old system. We receive complaints from constituents who say that it is rather unfair to them - a developer opens a subdivision, sells his lots anywhere from \$20,000 to \$35,000, and the roads are so poorly constructed that by the time their houses have been completed, the roads have reached such a state of deterioration and dilapidation that they run the risk of destroying their automobiles. The developer puts the money in his pocket, or his bank account, and is gone. He is no more liable, and no more responsible, for the maintenance and upkeep of those roads.

I am the first to say that it would be unfair to expect the

Government, under those circumstances, to bear the expense of bringing those roads up to a decent and reasonable standard. I am sorry that such a large number of culprits have been able to get away with that substandard development and arrangement with something which, I think, brings bearing upon their desire to be frank with the people to whom they sell lots. Every day I pass one of these developments on the way to where I live. It is a shame. I feel a sense of helplessness when my constituents approaches me, and I am careful to explain to them that while they have to depend upon the Government to try to alleviate the situation, truly, and, strictly speaking, it is not the responsibility and obligation of the Government.

Madam Speaker, in my constituency there are two glaring examples of these kinds of developments. I can venture to say that not a single week passes by when I do not hear at least one complaint, at least one pleading, one beseeching constituent, particularly now due to the rains we have had in the recent past.

So, this Motion suggests that we get tough with these people who abnegate their responsibilities, that we get tough with these people who do less than they are bound to do, that we get tough with these people who, once they have made their monies, stashed it away in their bank accounts whether here or abroad, or put it in their pockets, or into other developments and leave, expecting the Government to take up the responsibility of maintaining and further developing roads that were built to a substandard specification in the first place.

I note with a sense of interest the Member's suggestion that some thought is being given to the fact that some of the dwellers in these developments could be requested, I say could be requested to contribute to the upkeep of the roads. Madam Speaker, I would commend the Member and encourage him to pursue that line because it would seem to me a fair, if no other, way of ensuring that the roads are built to a decent standard. Sometime ago, I was listening to a call-in programme on one of the Jamaican radio stations and there were a large number of complaints regarding the poor state of the roads in a large development in Portmore. It was exactly this kind of suggestion the host made which, surprisingly enough (for we all think that many Jamaican people are cash-starved) there was a ready acceptance of this method of ensuring that roads are properly constructed and developed.

Roads are an integral part of the infrastructure of any country, and particularly so in the case of the Cayman Islands where we are so dependent upon tourists as a means of income. It is incumbent upon us to have the best, and it bears saying that up to a few years ago our roads were in a very good state. Indeed, I heard comments from many people, visitors from the North American Metropolis, as well as from other Caribbean countries, saying that the state of the roads in the Cayman Islands were among the best that they had seen or driven on. It was only after we began to put in the modern infrastructure of central running water, a sewer system, and the constant digging to upgrade our telephone system, that our roads began to deteriorate at a rapid and almost uncontrollable level - uncontrollable in the sense that they deteriorate so fast as a result of this work, that when they are not repaired properly, then it compounds the problem.

Madam Speaker, the Member replying on behalf of the Government also made mention of the fact that one of the drawbacks is that sometimes there is not enough trained personnel to take responsibility for overseeing and supervising some of these developments. That is true, Madam Speaker, and I can empathise with the position. But, again, I have to say that it is not necessary to have an army of personnel. Maybe what needs to be done is that a closer look needs to be taken at how people are platooned, so that in those cases where someone may not have as heavy a schedule as someone else, there can be some doubling up, or some team work. That way we may be able to carry out the necessary tasks without increasing the staffing, and without taxing the Budget anymore.

On the matter of material, it is also my understanding that a weakness in the present system is that sometimes specifications are designed around the availability of certain materials. The weakness in that, is that it compromises the standard and makes it difficult to maintain consistency. I contend that the specifications should be set and the material should be procured to meet those specifications, and not the other way around. I gather that there is sometimes difficulty in obtaining marl because there is some reservation about mining marl from the surface and the sentiments are more in favour of dredging marl. Madam Speaker, I understand from the people knowledgeable in the business, that there is some difference between the two types of marl. Those people who are familiar say that the preferred material is that which is mined or quarried, rather than that which is dredged. But, that is not to say that dredged material cannot be used. Rather, it is my understanding that it has to be left longer to settle so that the silty material can be disseminated, and it is not a corruption of the good material as a result of the mixture of silt with the more durable material.

Madam Speaker, to that extent let me say that it seems to me that we have available to us all the necessary materials - an ample supply of marl, and an ample availability of aggregate. What is needed now, is that we adhere to the specifications and we enforce them, and strengthen where we need to so, that from this point onward, no developer will be able to construct substandard roads; so, that from this point forward, the Government, in its own road construction, can abide by the specifications and standards which we have been told are in existence; so that contractors, whoever they may be, can be made to restore roads which have been dug up to their original state. To this extent, let me say how I would like to see the Public Works Department involved. I would like to see the Public Works Department so organised, and so involved, that they reopen their laboratory and they have their technicians testing, that they become more mobile and scientific, and they move around with their instruments and gadgets and test these roads. Not only testing them, but enforce the standards and specifications which they have, and which they themselves are abiding by. Also, that they do not spare nor ease-up on anyone who does not abide by these specifications. I would like to see them, like how I see relevant authorities in various places, drive up on the spot.

Madam Speaker, from my experience, which I related earlier, I remember many days when I would see the trucks come with hot mix by the weigh-station and the company's

representative would take his thermometer and stick it into the hot mix and would order the truck driver to take it back. Take it back! One day, I remember this vividly, the truck driver asked him, "What am I going to do with it?" and he said, "I do not care what you do with it, I just say you should take it back because it is unfit to be used on this job and we are not using it. If you want to give it away you can give it away. If you want to throw it away, that is your business but it is not going on this road." That is the kind of level I would like to see the Public Works Department organised to reach. That is the kind of standard I would like to see them aspire to, so that they are right there when that road is being paved, sticking their thermometer, doing whatever testing they need to do and, if necessary, tell them to carry it off, store it wherever they need to store it, but it is substandard and it is not going on any road for which they have responsibility of vetting.

So, Madam Speaker, I have to say that there is merit in the Motion. I have to say that, while I am somewhat disappointed in the position taken by the Member speaking on behalf of Government, the Motion was not moved as a result of any answers to any questions. But rather, was moved out of a genuine attempt to see that the standards and specifications are adhered to, and not insignificantly, to spare Government of any expense which might come from the Government having to take responsibility for substandard roads built by developers who are less than frank and candid with the people who supported them in buying their lots. On the matter raised at the beginning, I can only say that it is my responsibility as a Member of this Parliament, and as a representative of the people, to bring any Motion which is deemed to be in the best interest of constituents and country. While I can understand that the Government might not agree with the Motion, I certainly hope that they realise that in a democracy they have an obligation to agree with my right to bring such Motions.

So, Madam Speaker, I thank you. You have been most gracious in listening and tolerating my articulation of my position, and I hope that the Government may see fit to take from this Motion the merit that it has so that, together, we can ensure that the infrastructure and the responsibility for maintenance of that infrastructure does not always rest at the Government's expense.

Thank you.

**THE SPEAKER:**

The Honourable Elected Member for Health and Human Services.

**HON. W. McKEEVA BUSH:**

Madam Speaker, in listening to the last Member speaking, one could get the impression that nothing is being done by what they are asking for in this Motion, and that is giving the wrong impression to this House. In defence of the Member responsible and of the Government, he has put his case across very clearly that these matters are being addressed. The truth is that the Elected Member asked the question to the Member for Agriculture, Communications and Works, earlier in this Meeting and the Honourable Member answered those specific questions on those specific resolves in the Motion. So, no one should get the impression that Government is not addressing the matter.

Also, one could get the impression from listening, that it is the Water Authority who is to do the actual work on the roads in Bodden Town. For clarity, Madam Speaker, the Water Authority is the only company overseeing the work. Petroservicios Limited is doing the work for the Water Authority. The problem is because of the compaction of the sand in the Bodden Town district the fill back with hot mix was done slightly higher than normal, and has created the bumps due to the fact that it had not settled flush. This is one of the problems you have when you are working in a sandy area. Everyone knows that when something has probably been settled for centuries, and you remove sand or fill from that, you will never get it back in the normal way it was immediately. It will take a long time to settle, but because the road has to be brought back to some sort of shape, or condition, so that it could be used, they went ahead and did it in this manner. As I have said, some of the cuts in the road are being redone and others will be corrected, not at the expense of the Public Works Department or the expense of the Water Authority, but at the expense of the company. Government has budgeted in the Estimate, just recently passed, for a road milling machine to correct this problem and bring any road work to the correct level.

Madam Speaker, just to mention that money is also budgeted for the Belford Estates Road, as the First Elected Member for Bodden Town would know, to repair that road, and that is the most we can do now, and take measures to see that subdivisions in the future are properly kept. The First Elected Member for Bodden Town would know that we are fixing the Belford Estate Road because he lives there. Now, Madam Speaker, I do not think that it should be left unchallenged, his remarks about business before the House. Because what he has said, is not correct...

#### POINT OF ORDER

**MR. ROY BODDEN:**

Madam Speaker, on a Point of Order.

**THE SPEAKER:**

May I hear the Point of Order?

**MR. ROY BODDEN:**

Yes, Madam Speaker, *Erskine May*, page 381. The Member is misleading the House and is making false remarks. I do not live in Belford Estates.

**THE SPEAKER:**

Honourable Member...

**HON. W. McKEEVA BUSH:**

Madam Speaker, I know that the Member has to drive through Belford Estates, and I thought that the same road that goes to his house comes across Belford Estates, and that is

the road that is scheduled to be fixed.

**THE SPEAKER:**

The First Elected Member for Bodden Town.

#### POINT OF ORDER

**MR. ROY BODDEN:**

drive through Belford Estates either.

Madam Speaker, on a Point of Order again, I do not have to

**THE SPEAKER:**

the exact location where you live.

Well, it appears that he has a Point of Order. It is just a matter of

**HON. W. McKEEVA BUSH:**

Yes, Madam Speaker, I am not going to take issue with him on that. I know that he uses one, or the same, entrance. Anyway, that is neither here nor there. The fact remains that we are fixing Belford Estates Road, and the money budgeted for that would not be going to the use that he has asked for it to be used for. It will be used in fixing the Belford Estates Road.

Madam Speaker, the Member made some remarks that should be corrected, because when Members refer to a matter before the House as being rubbish, if that is said, it is of no disrespect to the Clerk, nor to the Speaker, and it cannot be, and it should not be taken that way, for when a matter is brought to the House it is done under the relevant Standing Order. If a Member of Government, or anyone else, is minded to say it is rubbish, the procedure under the Standing Order with which it is brought is not being criticised, but only the substance of the Motion. Therefore neither the Speaker, nor the Clerk could be criticised.

The whole truth is that what they should do when Members say they are wasting time, they are wasting the time of the House and of the country, because the matters that they are bringing are matters that are being addressed, and they have been told so, time and time again. But to try to get mileage especially, if they know it has special topicality, they will bring it. They are the Opposition (and they say that) so if they want to stop wasting the time of the House, it is to stop bringing Motions which they know, and they have information on, that the Government is already addressing. That is a waste of the time of the House.

**THE SPEAKER:**

to exercise his right to reply?

If there is no further debate, would the Mover of the Motion wish

**MR. GILBERT A. McLEAN:**

Thank you, Madam Speaker.

Madam Speaker, Private Member's Motion No. 13/93, if read by intelligent people in any society they would know that there was considerable research into the whole topic of roads examined and taken into account just to be able to make the statements which are there in the recitals. The requests of Government are specific and to the point. Also, those requests are directed at conditions which exist, and which need corrections. The implications on failure to deal with those requests are an unlimited amount of money spent by the Government today and that will continue to be spent.

Madam Speaker, I do not know whether the Member for East End, the Honourable Member for Agriculture, Communication and Works, is of the opinion that by some special condition he sits in a position of unquestionable rights in Government, and in a position where he would question my right as a Legislator to bring a Motion to this House when it has been approved by the process in this House. I take absolute disagreement with him about this Motion being a waste of the time of this House. The waste is in his not accepting this Motion and doing something about its requests. The waste is in the waste of money to this country because of matters relating to roads un-addressed, like right up until now.

It is easy to get up and talk about what the National Team is doing, and one would wonder if there is some recorder that was on talking about how the National Team is doing this or the National Team is addressing this. So far there are approximately eight Private Member's Motions that have come to this House and the National Team has the solutions and is doing something about it. The strange thing is that this is the only Government or, indeed, the only organisation or group that can be doing so much that the result is zero visibility.

Talk about waste of the time of the House, I wonder what was the matter of the death penalty all about? We heard that that was an opportunity for debate, it was not that anyone expected it would get approval. And if we just stretch our imaginations into that statement, as was said yesterday, it really gives the clearest picture of what the National Team is doing.

Question Time in this House, as in all Parliaments in the British Commonwealth, should be one of the most essential times in this House. But, that has been under attack from the time that the National Team took omnipotent authority. The time for submitting them has been increased, and I can but guess that sometime around midnight tonight there will be a move to amend the Standing Orders to stop questions that have not made the Order Paper going from one Session to another. It strikes me that Question Time may soon become out of existence, if the National Team and the Government has its way. So, if a few words were wrested from the Elected Member for East End in reply to any matter on the road, lucky are the people who heard it (the public), because I think there may be no more of that real soon. Madam Speaker, anyone who knows anything about the way this Parliament performs, or all the other Legislatures in the Commonwealth, would know that you can only elicit so much information during Question Time, if you want to debate a matter you have to bring what is called a "substantive motion", and that is what this situation is all about.

The Member went on about him being misquoted. He was not misquoted in any way. The *Hansard* shows what he said in reply to the questions, and to the supplementaries. The

truth is that all sorts of ridiculous things are going on where road work is concerned in this country, without the proper supervision from the management of the Public Works Department, his Portfolio and himself. Whoever heard about people going out visually inspecting a road to tell how much compaction is in the asphalt, and going out at intervals and so on? One does not go out at intervals. It has to sensibly be a part of the duty and responsibility of the Public Works Department to inspect all roads that need inspection, to see that the integrity of these roads is what it should be. Misquoted, he was not; misguided, as to what I have said, he may be.

Now, Madam Speaker, this Motion speaks about the minimum design and specification for subdivision roads. He went on to speak about how Government is not in the business of building subdivision roads. I am glad he is aware of that, or I hope that is not part of what the Government is going to get into, because I certainly knew that long ago. But, as that might not be a specific objective of Government, I can certainly tell him, as anyone in this country knows, that Government end up building most of the roads in most of the subdivisions in this country, and has done so over the years. Because Governments, of which he has been a part, have failed to see that the subdivision roads were built properly, and when they are turned over to Government, the peoples' money is used to build subdivision roads - the Government's graders, bulldozers and compactors and everything else build subdivision roads. So, he is not correct in that either.

I know that there are minimum designs and specifications for subdivision roads, in fact the Motion alludes to that fact. What the Motion is looking for, and asking, is that the Government see to it that people who build subdivision roads build them in the manner that is specified in those minimum standards, and that they do not change from day to day, or from subdivision to subdivision. I do not know what he meant by what he said, if Government build roads that they could not built them to the necessary specifications as Government was building them for the first time. That puzzles me because the first time you build the road it would seem that you would have built it the right way based on the specifications that were given.

He and his colleague, the Elected Member for Health and Human Services, have jumped all over poor old Belford Estates since I uttered those two words. Well, I hope that all of the people who suffer on that road get a good listen to their views about these roads. But, worry not, the National Team is building roads in Belford Estates too. They are building roads there too. Yet the Member says, "Government is not in the business of building subdivision roads". I agree with him, that everybody in this House would like to see roads which are proper in their own districts, and I suppose everybody has ideas of how it should be done. I only want to see it done, and see it done to standards that I do not have any part of, but that I rely on, those who supposedly know to prescribe those standards.

He speaks about there being no money to fix up the roads. But now we hear that there is a lot of money in the Budget to fix roads, including Belford Estates, and there is more to come in loans which are to be taken by this Government. Loans? Something that would not even be thought about by this Government. They are going into roads, but how much and how well these specifications will be for these roads is highly questionable.

He said that roads in subdivisions were done by many for the fast buck. My question is, what is he doing about it? It is his duty as the Member responsible for roads. What is he doing about the people who are building subdivisions and subdivision roads for a fast buck, and the people who are buying lots in these subdivisions are not getting a share value? That is the question that he needs to answer. Not one where he would lord it over my right to question, or my right to request that something be done about it. I agree, as he has said, it would be stupid for Government to undertake to build subdivision roads for developers. But, certainly, it is the responsibility of the Government, or good Government, to see that the people in this country are not taken advantage of by people who build or make subdivisions, and build roads which are not lasting, and charge them prices as if they were the quality of roads that they should be.

He then went on to say that he was so shocked that one of the resolve asked for something specific to be stated about the backfill in the trenches being dug on the roads by the Water Company, the Sewerage Company, the Telephone Company, and so on, because that was not in the recitals. What a ridiculous state of affairs! If anybody who drives a car on these roads, particularly in the Eastern districts, or an Eastern road that he claims he is doing so much about and has done so much about over the years, and does not get their tyres bruised and battered because of those trenches and the edges of the road, then I do not know who that person is. So, if that is not a priority for him as the Member responsible for roads, then I would like to know whose priority it is? I do not know if he has passed that on to the "Portfolio of All Services".

We hear that the backfill for some of the areas in Bodden Town has been rejected. Good! If it is not being done in the right way, then that is what the Public Works Department is suppose to do, reject it. As big a priority as agriculture is - since everybody that is coming to work does not drive on agriculture roads - it would seem necessary that throughout the main roads of these islands there would be some effort made to see that improvements or the correct backfilling and re-asphalting was done.

No one, certainly not me, is attempting to put all the blame at the feet of the Public Works Department, but I would like that Member responsible for roads to tell me whose responsibility it is then among his colleagues to see about the roads? Is it the Member for Tourism? Has he taken that section over, or is it that they are all confused that no one does takes it and the buck passes? As for me wanting him to take the blame for what was done in the past, I do my best not to look in the past except, perhaps, to assist with an interpretation with the present, or a projection into the future. But the problem with the National Team that we hear so much about here is that rather than doing something about the "now", they are talking about the past Government. They said the past Government had put the country in debt, and the past Government did not fix the roads, and the past Government did not do the next thing. Well that Government is past, now is the present and it is the duty of that Member to do something about it. Khrushchev said to President Kennedy, "Talk is cheap."

It is good for the country if the Public Works Department is

getting equipment which will correct ridges in the roads. There are certainly a lot to be corrected - miles and miles and miles of it. A lot to be corrected. That is what this Motion is about, correcting things now instead of talking about what the last Government did. Several times I have heard the observation made, in the past 11 months or so, that this Government cannot blame any "hung parliament", where it depends on any one vote to carry a Motion, because they have full sway. So, if anything is not done they sure cannot blame the last Government for what they are not doing now.

Madam Speaker, this Motion asked the Government to issue new specifications for road construction for light traffic, medium traffic and heavy traffic. Now, there has to be areas here where there is light traffic and where there is heavy traffic. Heavy traffic can be seen in two lights - the traffic that is often on the road driving to and fro and, certainly, heavy traffic where heavy trucks and equipment drive the roads. Now, with his superior intellect he tried to show how Cayman Brac and Little Cayman is so little and aside to nothing, the cars driving there, one or two dozen, that those roads can last forever, because they do not have the traffic that we do. Well, I say to him, that on that ten mile central road there, the same number of cars might not drive it as in Grand Cayman, but the number that is there, which is a couple hundred, travels back and forth as much. And if we talk about heavy traffic, both in weight of trucks, some trucks as big as any that are in Grand Cayman travel that road, and, certainly, the biggest piece of heavy equipment, in terms of a front-end loader, or bucket, is on that Island. But, he missed the point. The point was that I was referring to the fact that Cayman Brac has as its base, and its surface, aggregate rock so it withstands the situation better than marl which washes away, shifts and does not keep its density.

THE SPEAKER: Honourable Member would you take a suspension at this time?

MR. GILBERT A. McLEAN: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:57 P.M.

PROCEEDINGS RESUMED AT 4:26 P.M.

THE SPEAKER: Please be seated.  
The Second Elected Member for Cayman Brac and Little Cayman, continuing.

MR. GILBERT A. McLEAN: Madam Speaker, when we took the suspension I was commenting on the situation with the roads in Cayman Brac and Little Cayman versus those in Grand Cayman, noting that from the technical information available the reason why the roads in Cayman Brac and Little Cayman stand up better is, obviously, because of the subbase and the base, and not the case that there is not a lot of traffic plying over the roads there, particularly in Cayman Brac, each day.

Madam Speaker, the Honourable Member for Agriculture, Communications and Works said that more specifications is not the cure. Well, where there are no specifications, the situation needs to be cured by specifications and where there are specifications these specifications need to be enforced - and that is what this Motion is asking for as well.

I know who was in Government, when I spoke about a Government which had a policy of four miles of chip and spray completed road and one mile of finished road. I am aware that the Member was a part of that Government called the Unity Team's Government. I am also aware certainly, in its initial term, and the time immediately following that, why it was so successful, what the dynamics were and who was the moving force.

THE SPEAKER: Honourable Member, it is now 4:30 P.M.  
The Honourable Member for Tourism, Environment and Planning, Leader of Government Business.

#### MOMENT OF INTERRUPTION Standing Order 10(2)

HON. THOMAS C. JEFFERSON: Madam Speaker, under Standing Order 83, I move the suspension of Standing Order 10(2) to allow the business of this Honourable House to be completed this evening.

THE SPEAKER: The question is that Standing Order 10(2) be suspended in order that the business of the House may be completed this afternoon. I shall put the question. Those in favour please say Aye... Those against No.

AYES AND NOES.

THE SPEAKER: The Ayes have it.

MR. GILBERT A. McLEAN: Madam Speaker, could we have a Division?

THE SPEAKER:

You certainly may, Madam Clerk.

CLERK:

DIVISION NO. 14/93  
(SUSPEND STANDING ORDER 10(2))

AYES: 10

Hon. James M. Ryan  
Hon. Richard A. Coles  
Hon. George A. McCarthy  
Hon. W. McKeever Bush  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Mr. John D. Jefferson  
Dr. Stephenson A. Tomlinson  
Mrs. Berna L. Murphy  
Mrs. Edna M. Moyle

NOES: 3

Mr. D. Kurt Tibbetts  
Mr. Gilbert A. McLean  
Mr. Roy Bodden

ABSENTEE: 5

Hon. Truman Bodden  
Mr. D. Dalmain Ebanks  
Capt. Mabry S. Kirkconnell  
Mr. Anthony S. Eden  
Mr. G. Haig Bodden

THE SPEAKER:

Standing Order 10(2) is suspended.

The result of the Division is 10 Ayes and 3 Noes. Accordingly,

AGREED.

STANDING ORDER 10(2) SUSPENDED.

THE SPEAKER:

Cayman continuing the debate.

The Second Elected Member for Cayman Brac and Little

MR. GILBERT A. McLEAN:

Madam Speaker, the act that has just taken place bears out fully what I have been saying about the National Team, all its claims to glory and its railroading the actions and the procedures in this House. There is another Motion yet to come, and I see that there is also a Law to be amended. I wonder if there will be suspension of the Standing Orders?

THE SPEAKER:

of order.

Honourable Member, there is no need to anticipate. That is out

MR. GILBERT A. McLEAN:

Madam Speaker, the Honourable Member for Agriculture, Communications and Works said that the private roads and subdivisions were examined on a random basis. If that is correct it means that the Government's Department which is supposed to examine roads is not examining all the roads that are required to be examined. This Motion requests that this be done. If there are 15 or 20 roads being built in this Island, 15 or 20 roads should be inspected, and not randomly inspected. That is what this Motion is addressing, and that is the point that the Member misses.

There are people in the Public Works Department to do the inspections. There is equipment in the Public Works Department to do the inspections with. What it requires is the deployment of these persons in a manner that they can do the work - scheduling them correctly. Never before have there been more professionals there. I am glad to know that they are there, but, certainly, I would like to see them, since they are there, carry out such duties which simply fall in line with what they should be doing as the technical people that they are. Where is the overwhelming work of the roads being built in this Island right now, that it is not possible for the road inspectorate to inspect these roads as it should? And it should! For most of us know, quite often, how developers turn these roads over to Government, only too happy to do it, and, of course, the peoples' money is being spent to fix these roads when they should have been fixed properly in the very first instance.

Madam Speaker, I stated, as did the Member responsible for roads, that there are two types of materials used - crushed rock and marl. I took time to explain, when I presented the Motion, what I had learned about it, and there is no doubt in my mind, was factual. The fact, again, of living in the past - thank God for the marl that we used to have - we are living in the present, and there are certain deficiencies in the type that is now being used. That is the point to be addressed, not that there are two types.

What type of testing procedures does the Government do, when it randomly checks these roads? Unless it has reopened the laboratory which was in the Public Works Department specifically to test materials which was closed down immediately following a former employee of the Public Works Department opening up a business, and I am told that Government now pays to have materials tested, although the Government has a full laboratory and people available to test material. The question is, why? There are no answers for that because that is all part of what is happening in the Department that needs questioning, and something to be

done about it. But it goes on and the public pays the cost.

Madam Speaker, the Member talked about his effort and not getting roads in his district, and so on, by him not bowing down to the whims and fancies of previous Governments. My constituency gets axed right and left because I am suffering the anguish of not bowing to the National Team, and if they are waiting for that, time does have eternity.

Madam Speaker, this Motion asks for Government to develop a specification for filling any Government site, such specifications to include testing procedures to ensure that the quality of the fill materials delivered to these sites will conform to these specifications. Now, the Member did not know how this could be done. He spoke about fill that is being done in East End for a playing field. Well, what this Motion is saying is that if the cliff in East End is being filled for a playing field, that the Government, through its Public Works Department, should write a specification for what will be correct and sufficient, and fill according to that specification. That is what the Motion is talking about. So I do not know why the Member fails to see how it could be filled by the specifications laid down by the Public Works Department, when it is asking that wherever the fill is done that it be specified and Government see to it that it is done.

The reason why this country is going into hundreds of thousands of dollars, and millions, in expenditure, is because this is not being done - like at the Cargo Distribution Centre. That is why that has sunk, because it was not built to specification. I am reliably informed that the Public Works Department and Tomlinson Engineering mutually agreed to delete the base, as it was originally supposed to have been put down, and I am told that that has been the statement that has been made to the Port Authority. So is there no need for the Public Works Department to do what it should do in terms of seeing that proper bases and fill specifications are in place for Government projects? It seems very obvious that something is wrong, and no one wants to address it.

Madam Speaker, how can the Member say that the upgrading of subdivision roads or the fixing of subdivision roads only helps the developers? What about the hundreds of people who use those subdivision roads? If he is saying that he cannot, and he will not, go back and try to get anything done by the developers to correct the roads, then what is the natural course of action that happens in the society? They look to Government to do it and so, Government, yes, is ending up having to fix subdivision roads.

The Motion asks that the Member do something about it - go to the Legal Department, or bring a law to the House to make it possible that you can require developers to do something about it.

## POINT OF ORDER

HON. W. McKEEVA BUSH:

Madam Speaker, on a Point of Order...

THE SPEAKER:

Would you sit down Second Elected Member?

HON. W. McKEEVA BUSH:

...I take note of Standing Order 41, dealing with repetition and dealing with the arguments as put forward by someone else. The Member has gone on for a long time on this matter, as did the First Elected Member for Bodden Town, covering the same arguments.

THE SPEAKER:

Point of Order is taken. The Second Elected Member for Cayman Brac and Little Cayman, would you proceed without repeating your arguments?  
Thank you.

MR. GILBERT A. McLEAN:

Madam Speaker, I wrote down 20 notes as the Member responsible for roads spoke, and I am simply just replying to the points he raised in the sequence he did it.

THE SPEAKER:

Honourable Member, the Point was made that these arguments were also used by the First Elected Member for Bodden Town, therefore you are repeating the arguments of another Member.

Thank you.

MR. GILBERT A. McLEAN:

Madam Speaker, the improvements in subdivisions help people who have lots and are building their houses in subdivisions. It is good to know that the Government is going back to what was started in 1978, where an attempt had supposedly been made to involve the developer, the home owner and the Government in an exercise to improve roads in subdivisions. That is not a brain child of the National Team. That happened during the time Mr. Douglas Wint was the Chief Engineer at the Public Works Department and, I well recall, when Mr. McCoy was Principal Secretary of Communications. But it was also at that point that the Unity Government, instead of taking up that recommendation, began to take over roads in subdivisions for Government to fix them. The Member is certainly right, that roads are going to become more and more expensive and, certainly, more and more so if something is not done, by himself, about it.

I do not know what he means about when political heat comes on Members, when he does something about fixing roads in subdivisions. For, certainly, no heat will come on me that I would for one minute say that a developer should not correct a road. And I am only too well aware of the unfortunate situation which exists in many housing projects where roads are a major concern to the people living there. It is of no interest to me whatsoever where the Member begins his exercise of supposed work and improvement on roads. He can start in George Town, in East End, in Belford Estates, in North Side anywhere he chooses. My point is that something needs to be done, and he is responsible for doing it.



The Member or any Member of the Government, should not believe for one minute, that where questions are warranted on roads or anything else, I will hesitate to bring those questions to this House. As the Mover, and I daresay, the Seconder share similar views, I am not assured that something is being done, and if it is being done, it is like all the other claims of things being done by the National Team - they are doing everything. But, as I have said, and I would repeat that phrase, it is being done with the result of zero visibility.

**THE SPEAKER:** The question is Private Member's Motion No. 13/93, Prescription and Enforcement of Road Construction Standards. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AYES AND NOES.**

**THE SPEAKER:** The Noes have it.

**HON. W. McKEEVA BUSH:** Can we have a Division, Madam Speaker?

**THE SPEAKER:** Madam Clerk.

**CLERK:**

**DIVISION NO. 15/93  
PRIVATE MEMBER'S MOTION NO. 13/93**

**AYES: 3**

Mr. D. Kurt Tibbetts  
Mr. Gilbert A. McLean  
Mr. Roy Bodden

**NOES: 11**

Hon. James A. Ryan, MBE., JP  
Hon. Richard A. Coles  
Hon. George A. McCarthy, JP  
Hon. W. McKeeva Bush, JP  
Hon. Thomas C. Jefferson, OBE, JP  
Hon. John B. McLean, JP  
Hon. Truman M. Bodden  
Mr. John D. Jefferson  
Dr. Stephenson A. Tomlinson  
Mrs. Berna L. Murphy, MBE, JP  
Mrs. Edna Moyle

**ABSENTEE: 4**

Mr. D. Dalmain Ebanks  
Capt. Mabry S. Kirkconnell, MBE, JP  
Mr. Anthony S. Eden  
Mr. G. Haig Bodden

**THE SPEAKER:** The result of the division is three Ayes and 11 Noes. The Motion has accordingly not been passed.

**PRIVATE MEMBER'S MOTION NO. 13/93 NEGATIVED.**

**CONTINUATION OF GOVERNMENT BUSINESS****SUSPENSION OF STANDING ORDERS 14(1), 46(1) AND (2)**

**THE SPEAKER:** I will now call on the Leader of Government Business.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, on the grounds of urgency I would like to move under Standing Order 83, the suspension of Standing Order 14, 46 and 47, to allow two Bills to be taken; A Bill for a Law to Amend the Customs Law, and a Bill for a Law to Amend the Traffic Law (Revised) and the Traffic Law, 1991.

**THE SPEAKER:** The question is that Standing Orders 14(1) and Standing Orders 46(1) and (2) be suspended in order that two Government Bills be presented to the House. At this moment copies are not yet available, and we have not been supplied with these, but they will be coming shortly. Members are now being supplied with an amended Order of the Day to deal with these matters.

I shall put the question for the suspension of Standing Orders. Those in favour please say Aye... Those against No.

**AYES AND NOES.**

**THE SPEAKER:** The Ayes have it. Standing Orders have accordingly been suspended.

**AGREED. STANDING ORDERS 14(1) AND 46(1) AND (2) SUSPENDED.**

**MR. GILBERT A. McLEAN:** Madam Speaker, I would like to record a "No".

**THE SPEAKER:** You are rather late. I have already put the Motion and made my declaration on it.

**POINT OF ORDER**

**MR. GILBERT A. McLEAN:** Madam Speaker, on a Point of Order. Could you advise whether it is possible to speak on the question of a suspension of Standing Orders as it has just been done?

**THE SPEAKER:** Not at this moment. The question has already been put and the vote is taken but you will be able to speak on the Bills as they are presented. (PAUSE) I do apologise to Members. I had assumed that the Bills would have been ready since the Order of the Day had been adjusted. The Leader of Government Business.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, copies of the Custom Bills were distributed to the Members before we came to this stage.

**THE SPEAKER:** Madam Clerk, have you got a copy of the Customs Bill there with you?

**CLERK:** No, Madam Speaker, not at the Table.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, with respect, I handed copies of the Customs Bill to the Clerk.

**THE SPEAKER:** In order to save time let us deal with the Customs (Amendment) Bill, 1993, first.

Madam Clerk, please.

**FIRST READING****THE CUSTOMS (AMENDMENT) BILL, 1993**

**CLERK:** The Customs (Amendment) Bill, 1993.

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

**SECOND READING****THE CUSTOMS (AMENDMENT) BILL, 1993**

**CLERK:** The Customs (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, it is not often, as a matter of fact it is the first occasion where I have witnessed this Government taking this step so late on any afternoon, but I believe the magnitude of the justification warrants this particular step to be taken. And, I beg to move the Second Reading of a Bill for a Law to Amend the Customs Law, 1990.

Madam Speaker, this Bill seeks to amend the Customs Law, 1990, by adding a new provision intended to provide a solution, for the time being, to an issue which the Government intends to address more comprehensively in a later review of the Customs Legislation. In other words, Madam Speaker, this is a temporary measure to put us in a controlling position to deal with the matters at hand.

Clause 2 of the Bill adds a new section 10A to the Customs Law, 1990. This provides a power to be exercised by the Governor in Council to make regulations prohibiting, or regulating, the import or export of goods of a class or description specified in the regulations. This power could be exercised in any circumstances where existing controls on the import or export of goods were not adequate to prevent the import or export of goods into or from these Islands which the Governor in Council considered it necessary or expedient to prohibit or regulate.

Any person who imported or exported goods in breach of any regulations made under this new section 10A would be guilty of the offence of smuggling those goods under

section 51 of the Customs Law, 1990. The penalties on conviction for smuggling are contained in section 60 and 61 of the Law.

Madam Speaker, I believe that everybody in the Cayman Islands realises that there is much tension in the air between watersports operators - some call themselves North Sound Operators - tour bus operators and taxi drivers. I believe that it is important that the Government must be placed in a position where it can control any situation related thereto.

The Government took the view that this House may have ended this afternoon and we may have found ourselves in a position Monday morning with a situation which we had no legal authority to control. I believe if we are going to err in any way, we should err on the grounds of caution, for I believe that there are people operating in the Cayman Islands, in some of these areas, that are really testing the Law, to put it mildly. Maybe I should go as far as to say pushing at the seams of the Law, and sometimes being, in my layman's view, outside any kind of fair play in the system. And this is not a Government, like some other Members want to talk about, that gives lip service. This is a Government that takes action when action is necessary and, by God, I believe everybody in this country believes that the Government must take action to arrest the situation which we have heard about, from time to time, at the Port Authority, or somewhere in the vicinity of a cruise ship, the North Sound or the route leading from and thereto.

We cannot wait. It is unwise to wait for some incident to take place which will make us all losers. Government will lose, the country will lose and the individuals involved will lose, because that incident, while it may not be reported by the Miami Herald, I will venture to bet my annual salary that it is going to be reported by the *Caymanian Compass* and *The New Caymanian*. So, any kind of incident reported where a tourist is involved is going to tarnish the image of the Cayman Islands as a destination which is known to be one of the most respected ports of call in the Caribbean area.

This amendment which is being put forward to section 10 of the Customs Law, gives the Governor sufficient power to make regulations to deal with any matter, which we do not have at the present time the necessary legislations to control. I repeat myself, Madam Speaker, it is a temporary measure. When we come to February 1994, I believe this Honourable House will have before it, possibly, other amendments to Laws which will give us control which we are temporarily seeking under this amendment this afternoon.

Honourable Members.

I recommend this amendment to the Customs Law, 1990, to all

THE SPEAKER:

The question is that the Customs (Amendment) Bill, 1993, be given a Second Reading. The Motion is open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN:

Madam Speaker, this Bill to amend the Customs Law, 1990, that has just appeared out of nowhere, seeks to provide a solution to an issue. As far as I am concerned, that issue has not been explained. I think for the suspension of Laws to create temporary laws, or an amendment temporarily, is dangerous. No one knows who or what it is supposed to affect, but it speaks of prohibition by the Governor and his Executive Council. It is absolutely unclear to me, and I would certainly not venture into any support on this. Therefore, I leave it to the majority to pass.

THE SPEAKER:

to reply?

If there is no further debate would the Honourable Mover wish

HON. THOMAS C. JEFFERSON:

Madam Speaker, not to prolong the debate, but I think the Second Elected Member for Cayman Brac and Little Cayman might not have been in the room when I was trying to explain the matter. We are talking about the problem that is evident, by any little man or big man walking the street, between the watersports operators, the people who call themselves North Sound Operators, which are boat people providing charter service for fishing, for snorkeling and for diving, and we are talking about the conflict between the tour bus operators and the taxi operators. This gives the Governor the power to control what comes into this country in those respects, whether they are boats, buses, or whatever it may be, that can inflame the present situation before this country.

I believe that the Second Elected Member for Cayman Brac and Little Cayman knows quite well what we are talking about. He is no lay person in this House. But, of course, he has a contribution to make and I will leave it to the Honourable Members to vote in favour of this amendment.

THE SPEAKER:

The question is that the Customs (Amendment) Bill, 1993, be given a Second Reading. I shall put the question. Those in favour please say Aye... Those against No.

AYES AND NOES.

THE SPEAKER:

The Ayes have it.

MR. GILBERT A. McLEAN:

Madam Speaker, can we have a division?

THE SPEAKER:

You certainly may, Madam Clerk.

CLERK:

DIVISION NO. 16/93

AYES: 12

Hon. J. Lemuel Hurlston, MBE, JP  
Hon. Richard A. Coles  
Hon. George A. McCarthy, JP  
Hon. W. McKeever Bush, JP  
Hon. Thomas C. Jefferson, OBE, JP  
Hon. John B. McLean, JP  
Hon. Truman M. Bodden  
Mr. John D. Jefferson, Jr.  
Dr. Stephenson A. Tomlinson  
Mrs. Bema L. Murphy, MBE, JP  
Mr. D. Kurt Tibbetts  
Mrs. Edna M. Moyle

NOES:

ABSTENTION: 2

Mr. Gilbert A. McLean  
Mr. Roy Bodden

ABSENTEE: 4

Mr. D. Dalmain Ebanks  
Capt. Mabry S. Kirkconnell, MBE, JP  
Mr. Anthony S. Eden  
Mr. G. Haig Bodden

THE SPEAKER:

has accordingly been given a Second Reading.

The result of the division is 12 Ayes and 2 Abstention. The Bill

AGREED.

THE CUSTOMS (AMENDMENT) BILL 1993 GIVEN A SECOND READING.

THE SPEAKER:

Bill, 1993.

We will proceed to the First Reading of the Traffic (Amendment)

FIRST READING

THE TRAFFIC (AMENDMENT) BILL, 1993

CLERK:

The Traffic (Amendment) Bill, 1993.

THE SPEAKER:

Reading.

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

SECOND READING

THE TRAFFIC (AMENDMENT) BILL, 1993

CLERK:

The Traffic (Amendment) Bill, 1993.

THE SPEAKER:

The Honourable Member for Agriculture, Communications and Works.

HON. JOHN B. McLEAN:

Thank you, Madam Speaker. Madam Speaker, I beg to move the Second Reading of a Bill for a Law to Amend the Traffic Law (Revised) and the Traffic Law, 1991. This Bill makes amendments to the Traffic Law (Revised) and the Traffic Law, 1991, to clarify the regulations to the importation and registration of motor vehicles capable of carrying more than nine people.

Clause 2 amends the Traffic Law (Revised) to give the Governor in Council power to control the registration of motor vehicles constructed, or capable of being used, for the carriage of more than nine persons in addition to the driver. It also replaces section 12A of that Law to make it a criminal offence to import or use in the Islands any such motor vehicle. Clause 3 makes similar amendments to the Traffic Law, 1991, which are required to ensure that this Law, when it is brought into force, corresponds to the amendments made by this Bill to the existing Traffic Law.

Madam Speaker, this is a similar amendment to the one we heard about just awhile ago, the amendment to the Customs Law. It is being done to try to prevent something which we, as sensible Legislators, can see on the horizon. We need no more than what took place here a few days ago with regard to many angry taxi drivers who assembled themselves in front of this building and who were very determined to stand up for what is right for themselves and what they feel is right for this country. I honestly believe that this amendment, and the Customs (Amendment) Bill, which was before this, is doing this country a favour. We,

as Legislators, no doubt, are doing our country a favour in studying it and putting it forward the way we are this evening.

I would not like to see a situation which is taken out of hand by angry taxi drivers because of a problem with tour buses. It is a known fact that this problem has been brewing for some time and, perhaps, it should have been addressed a long time ago. But, as the saying goes, "it is never too late to do good". I recommend this Bill to this Honourable House and I ask that each Member of this House, who cares about what happens to this country, please give us your support.

**THE SPEAKER:**

The question is that a Bill entitled the Traffic (Amendment) Bill, 1993, be given a Second Reading. The matter is open for debate. The First Elected Member for Bodden Town.

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Having only received notice of this Bill some short while ago, and having only been handed copies of the Bill a short time afterwards, it is difficult to make an informed and intelligent decision under those circumstances because, if I am clear in my understanding of the Member moving the Bill, we certainly have not had time to assess the ramifications of what this Bill is seeking to do, nor did the Honourable Member explain what the consequences of such a far reaching Bill will be.

Madam Speaker, being as dependent as we are on tourism, and knowing the little which I know about how the business operates, I am aware that there are certain companies and certain travel agencies which seek to have their clients accommodated at companies which can offer volume tours, that is, by companies which have the capacity to transport groups. So, Madam Speaker, it occurs to me that we have to be careful and not be adopting bandaid solutions. As a consequence of that, I would welcome more time to learn of the implications and the ramifications of this Bill and, certainly, to be apprised of what long term effects it may have in regards to the situation as it occurs at present and, as we are entering tourist season, how it will affect arrangements which are to be made in this regard.

Consequently, Madam Speaker, considering myself an intelligent person, I cannot vote for this Bill and, indeed, I will be abstaining.

**THE 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 to the proposed amendment to the Traffic Law. I also just received it, but the objectives of the Law is very clear to me, that Government has taken steps to address a very serious situation, that is, to put in the hands of the Governor in Executive Council power to control the importation of any further buses in this country above a nine seater.

The situation as it now stands, we have more than sufficient buses, that is, big buses, 14 seater buses and other vehicles that are used in the transportation of tourists in this country. This amendment will, in my view, avoid a very serious situation that has been brewing for some time between the small operators and the huge tour operators that operate in this country. Madam Speaker, it shows, despite what has been said by the Opposition, that this Government is a Government of action. They have been faced with a situation and now they are taking immediate actions to make sure that the situation is eliminated and the pending confrontation is avoided.

I support this move, Madam Speaker. I believe that in the future any buses that are brought into this country, regardless of size, should have the prior approval of the Governor in Executive Council. So, Madam Speaker, I do support this move, and I commend the Mover.

**THE SPEAKER:**

The Second Elected Member for George Town.

**DR. STEPHENSON A. TOMLINSON:**

Thank you, Madam Speaker.

At least from February of this year there has been a growing confrontation between taxi drivers, tour bus operators and watersports operators. A number of the Members of the Legislative Assembly tried to do what they could to ease the situation. Meetings were held in the George Town, Town Hall and the Government has been working to resolve this. We know that this has come to a head and it is very important for us to do what is right in the best interest of all concerned. I believe that, although this appears a bit rushed, because of what faces the Island and the Government it is best to attempt to resolve a possible crisis and because of what faces us, we are taking this action.

I noticed that in section 3 of the Traffic (Amendment) Bill, there is a penalty of a fine not exceeding \$5,000, and I would suggest that this be increased realising the amount of money people make from this industry and the cost of the vehicles, etcetera. Also there is a typographical error where it is meant to be "nine" instead of "mine". I have not been able to go through this in its entirety, but, from what the Member has said, I know the general intention. I certainly support the Bill, if it is going to do good, which I feel confident it will do for those people who are particularly affected by it in the Island at this time.

Thank you.

**THE SPEAKER:**

The Fourth Elected Member for George Town.

**MR. D. KURT TIBBETTS:**

Thank you, Madam Speaker.

Madam Speaker, this amendment to the Traffic Law (Revised), which goes parallel to the previous amendment of the Customs Law, 1991, is aimed, as the Mover said, to alleviate

a situation which has come to a head. I am very grateful that the Mover of this Bill chose his words carefully when he said perhaps this should have been attended to before now. I do accept his statement because I think we all know how life works sometimes - that it takes a crisis to spur the horse to the winning post. But, suffice it to say, that in understanding what is happening here this evening, and agreeing with the actions that are being taken. In order to achieve what is needed to be achieved right now, I think it is very important for us at the end of this exercise not to leave it alone until something else happens. There could be hissing and gnashing of teeth, I could not care less! I have seen, on many occasions, sometimes, once a specific situation is quelled things are left alone until something else arises.

Madam Speaker, there is no question in my mind that neither one of these two amendments are what should be in our Laws to be utilised continuously. I think we all understand that. But, I am accepting that this is a temporary measure. In the first Bill the Mover specifically stated that come February there will be other amendments to certain sections of the Law to address the whole matter. I am here saying, that, as per discussions outside of the forum that we are in right now, there are many other areas surrounding this specific crisis which need to be addressed.

My challenge is, that accepting what is being done here today as a temporary measure, I, as one of the Legislators, hold the Government Bench responsible for ensuring that by the time we come to sit again, with regards to Laws, we are not dealing with other piecemeal situations. This is not meant to castigate. I am simply airing my views, because I, too, remember from several months ago, as the Second Elected Member for the district of George Town said in his contribution, that certain Members of the Legislative Assembly attempted to meet with some of these people to try to get a grip on the situation, to find out what the problems were and to try and encourage some solution to the matter. So, without going into pointing a finger and saying what should have been done, like the Mover of this Bill said, that is water under the bridge, but I would sincerely hope that there is concerted effort to deal with the entire situation and it would not be relevant for me to quote the other areas in debating this amendment.

I just want to reemphasise the point, and as I stand here I support what is being done, but only as a temporary measure. I know that the Attorney General might not debate the matter, as is the usual situation, but I am sure that he understands well what I am saying, and I am sure he will guide in the right direction when the time comes.

Thank you.

**THE SPEAKER:**

The Second Elected Member for Cayman Brac and Little Cayman.

**MR. GILBERT A. McLEAN:**

Madam Speaker, this Bill to amend the Traffic Law (Revised) and the Traffic Law, 1991, I find similar to the Bill which has amended the Customs Law, 1991. I have concerns with the passage of temporary Laws, which, to say the least, I do not understand. I am led to wonder if this measure being taken here will not affect present operators of buses or taxis on this Island now in existence? I also share the view, as has been expressed, that we have some types of tourism which require the movement of large numbers of people, people over nine in number. I am wondering whether this is fixing that situation or it could be creating problems in itself?

Madam Speaker, I am not informed on the wider implications of this amendment, and I shall abstain from voting thereon.

**THE SPEAKER:**

The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:**

Madam Speaker, I never cease to be amazed at the excuses the Opposition will find to oppose Government, or to make the National Team Government look like we are not doing our jobs, or that we are doing something dastardly against the population of this country. Those two Members, the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac and Little Cayman, who claim to know so much about everything, ought to see what the two Bills are addressing. The two Bills are companion bills.

The other Bill, dealing with the Customs Law could, for instance, deal with boats, and this Bill specifically deals with buses. It is ludicrous for them to come here to talk about what long term effect it will have because the two Members ought to know, as has just been explained to them, the situation. They are well aware that the taxi and the watersports operators have been fussing with a company owned (in a big part) by a foreigner residing in this country. This Government has realised that action needed to have probably been taken before. But, nevertheless, this matter will remedy the situation.

Members are aware that we brought earlier a Law dealing with the importation of buses. But to show you, Madam Speaker, and those Members know that that company still went ahead and brought in more buses outside the Law. Now to be absolutely sure, what we are doing, rather than having confrontation in an industry as vital as the tourist industry, we are taking these measures which both Movers have said will be temporary measures until February.

I think the Honourable Member for Tourism, the Leader of Government Business, has explained quite clearly the position that Government finds itself in. The Second Elected Member for Cayman Brac and Little Cayman asked whether it will not affect the present operators. He knows it will affect all operators. Yes, it will affect operators. But it will affect the operators that have complained about the foreign company in a favourable manner, the Caymanian people, and it is time that those two Members stop messing around with the future of this country. I am talking about the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac and Little Cayman. Because, Madam Speaker....

## POINT OF ORDER

MR. GILBERT A. McLEAN:

Madam Speaker, on a Point of Order.

THE SPEAKER:

What is the Point of Order Honourable Member?

MR. GILBERT A. McLEAN:

Madam Speaker, the Honourable Member is imputing some strange motive to myself and the First Elected Member for Bodden Town, about messing with the faith of this country. What is he accusing me of?

I have made my statement, and I taken my seat. Madam Speaker, they have the votes let them pass this Bill.

THE SPEAKER:

Honourable Member, I think perhaps if you could use another word besides 'mess', because it is the most unparliamentary word in regards to other Honourable Members. Please use another word besides mess.

HON. W. McKEEVA BUSH:

with the future of the country...

I believe I have said, Madam Speaker, that they are messing

THE SPEAKER:

Well, it is the same thing.

HON. W. McKEEVA BUSH:

I will withdraw "messing with the future", but I will put it that they are fooling around with the future, because Government has just been seriously criticised by the two Elected Members in talking about the National Team Government, what we are doing, and what we are not doing, about problems in the country.

This is a problem, and a serious one, to the extent that we had demonstrations outside and have had the demonstrators come inside, although being very peaceful, about this matter. It has gone on, and they have constituents, at least the First Elected Member for Bodden Town, who has taken part in this situation, and he well knows it.

The one problem when they talk about the National Team Government, we would not have had a problem, Madam Speaker, with this situation. These Bills would not have arisen today if the previous Government had not given that outsider, or foreign national, a Business Licence. That is the kind of situation that existed that impacts upon what this Government has to face today. Those two Members know it. Are they condoning it? Of course they are condoning it. Of course! Yet, they have the audacity to talk about the National Team Government. Yes, we are.

Madam Speaker, Lord Haw-Haw over there in the corner who claims he is a gentleman at all times, is now interrupting. I do not mind them interrupting me because I will answer him. When he asks if I am saying that foreigners should not operate businesses in this country, I am not saying that by any means, shape or form. No, Madam Speaker, that is not what I am saying, and that is a very unfair comment, as far as I am concerned, because we just passed the Companies Law recently in this Meeting where we allowed foreigners to operate. Madam Speaker, we have done more for foreigners to operate here in a favourable manner than their friends of the former Government. In this Meeting today we have suspended Standing Orders allowing foreigners to carry on business in their constituencies, the same Member complaining - Lord Haw-Haw over there.

Madam Speaker, what I am saying about the foreign business element in this country, when I say they are playing around with the future of this country, is that the Caymanian people are dissatisfied with this sort of operation, and when the foreign element gets into business with a local person it must be done by fair play. This is not fair play and the foreign element will not, will not, act accordingly to Law. When that happens, Madam Speaker, it is time for Government to act as a strong body, and we are going to run this country. We were elected to run by a very large majority and the Caymanian people told us that, on the 18th of November, they were dissatisfied. So before anything drastic happens in this country we have to take these kinds of measures.

We are sorry we have to come to the House to suspend Standing Orders to do it. But when we found out it is happening (and luckily the House is sitting), we must suspend Standing Orders because that is what Standing Orders are there for. Standing Order 83 allows us to suspend Standing Orders, especially when we are dealing with the future of this country. Those two Members would like the public to believe that this Government does not act. The only time they believe that this Government must act is when they bring a resolution with something that we are already doing and they want us to act on it. They should be run out of this House.

Madam Speaker, I am well satisfied and I am proud of my colleagues today, that they have taken this measure and have come to this House even at this late stage to do it. The two Members, if they were worth their salt as representatives of the people, of the taxi operators and/or the watersports operators, they would support this Bill rather than talking about abstaining.

THE SPEAKER:

The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY:

Thank you, Madam Speaker. I am very pleased to see this Bill for an amendment to the Traffic Law before us. I think it is well overdue and I commend the Member for bringing it, even though it is a temporary measure at this time. I think it is addressing the unfair competition and confrontation that is going to happen if we

do not take this measure at this time.

On Tuesday of this week, I had the opportunity of going to the Airport to see a 15 seater bus drive away with one passenger as about 20 other taxi operators stood there in four, six and eight seater taxis, and watched this one taxi operator drive away with one person in his van of 15. Madam Speaker, this is what this measure will address because I think this is very unfair. Those other taxi drivers stood there and watched as that same operator returned, then taking away a full load of passengers. I believe that this amendment will address this unfair competition. Competition is for everyone, but when it is unfair and people are not getting money, cannot feed their families, and pay for their cars and so forth, the confrontation will take place. I believe that this will take care of it. In addition, it will help with congestion. Our roads are crowded and everyone is screaming that the traffic is very heavy in all areas of the islands. I believe that this will take care of it as well. Therefore, Madam Speaker, I do support this.

THE SPEAKER:

The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON:

Madam Speaker, it is not often that I rise to congratulate my colleague, but I believe this afternoon is one of those occasions. Like many Members who have already spoken, I believe the greatest confrontation and conflict can arise very easily any day of the week between tour operators and taxi drivers. I believe, too, that we have listened long enough to complaints and I believe, too, that lip service is not the answer now. We must take action. We must demonstrate to the people of this country that Government will always seek to be in control of situations where unfair practices seem to be going on.

Madam Speaker, this amendment to the Traffic Law, I believe, gives us the kind of legislative control, if I can use that expression, that is required in order to say, "Let us stop, let us try to bring reason to this part of the service being provided in the tourism industry and put it on a basis where everyone who can provide a quality service, who can present themselves in a tidy and sober manner, and who can behave themselves properly, has an opportunity to earn a decent living for themselves and to provide for their families". This is all we are trying to achieve - to avoid conflict where this country would be damaged locally and internationally if it happens.

Madam Speaker, when we are talking about the Customs Law and the provisions therein, I believe these two pieces of legislation go together like crackers and cheese. One of the things that the Customs Laws gives us permission to do is to seek to control the heavy equipment area of importation and bring fairness to it as well. I say, today, to all my colleagues, you are doing the right thing, move forward.

THE SPEAKER:

The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN:

Madam Speaker, I support this Bill as I did the previous one. We have serious problems in the taxi, the bus and the watersports area, and I believe that the problem has to be tackled, and has to be tackled now. While I am not one, either, for having to bring amendments quickly, there are times when this has to be done and the Government has to be sufficiently alert and sensible to the problems of the people to deal with it. It is not as if there is a total ban on buses, as such, but there can be importation of them where it is properly required, and properly justified by having the Governor in Council permit it. This was the only course we could take at this time to deal with a problem which seems to me to be getting worse and worse. I know we have some problems at the Civil Aviation Authority, and we have had meetings and hearings with both the bus and taxi representatives in an effort to sort that out. Madam Speaker, that will be sorted out in the near future.

So, I support the Bill and I look forward to seeing a settlement of what is, obviously, now getting to be, in my view, an unfair situation in relation to some areas of the taxi and the small bus drivers, also, to seeing a heading off of any further problems in the watersports area.

Thank you.

THE SPEAKER:

If there is no further debate I would ask the Honourable Member if he would like to exercise his right to reply?

HON. JOHN B. McLEAN:

Thank you, Madam Speaker. First of all I would like to thank Members who have spoken in favour of this Bill. The Members who have seen the need for this urgent approach to the matter which, as has been said before, is only a temporary measure, and it will be dealt with totally in the next Sitting of the House, God's will.

A Member mentioned something concerning the time that he was allowed with the Bill, for most of us the actual document was not in our hands too long, but this does not say that all of us are not aware of the problem which we hope this short Bill will address. It was also pointed out by one Member where he wondered if it would not hurt arrangements for tourists coming here for the season. Madam Speaker, I believe that this Bill, once it is in place, will protect against what could happen to the tourists coming here this season. Because, while it may be dealing with vehicles, if this is not in place we could have a very, very nasty scene where, who is to tell, we may have a tourist that is hurt. So which one is more important? I believe the stand that we have taken here as a Government this evening should be commended rather than torn down.

I would like to point out, Madam Speaker, that although we may term this short Bill as a mechanism whereby we are going to stop the importation of large buses, there is also in this Bill a clause which allows the Governor in Council the power to so authorise, if somebody can justify the

importation of such a vehicle. So I do not see a problem with it as far as being able to act, and act the right way.

Once again, I am satisfied that this short Bill will assist us, along with the amendment to the Customs (Amendment) Bill, to deal with a problem which each and every one of us know of, and which we stood around last Friday and saw the intentions of certain individuals. Madam Speaker, I am asking that Members consider the end result of what could have taken place then, and what can take place if this Government does not take this stand. I ask all Members to give their full support to this short Bill.

**THE SPEAKER:** The question is that a Bill entitled the Traffic (Amendment) Bill, 1993, be given a Second Reading. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. THE TRAFFIC (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.**

**MR. GILBERT A. McLEAN:** Madam Speaker, can we have a Division?

**THE SPEAKER:** Honourable Member, I heard no Noes, there were Ayes, and I think that it would not be necessary to have a Division. The House will now go into Committee to consider two Bills.

#### HOUSE IN COMMITTEE

**THE CHAIRMAN:** Please be seated.  
We will have to pause a few moments, the master tape will have to be changed.

**CHANGING MASTER TAPE - 5:54 P.M.**

**THE CHAIRMAN:** Proceedings are now in Committee. Committee will consider the Customs (Amendment) Bill, 1993.

#### COMMITTEE ON BILLS

**THE CUSTOMS (AMENDMENT) BILL, 1993**

**CLERK:** Clause 1. Short title.

**THE SPEAKER:** Hon Second Official Member.

**HON. RICHARD H. COLES:** Madam Chairman, I have an amendment to propose to clause 1. - Short title, that at the end of that clause that we add the words, "and shall come into force on the 6th December, 1993".

**THE CHAIRMAN:** The proposed amendment is that the full stop be deleted at the end of "commencement.", and insert the words, "and shall come into force on the 6th December, 1993."  
The question is that the amendment be made. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. CLAUSE 1 AMENDED.**

**THE CHAIRMAN:** The question is that clause 1, as amended, do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. CLAUSE 1, AS AMENDED, PASSED.**

**CLERK:** Clause 2. Amendment to the Customs Law, 1990 (Law 17 of 1990).

**THE CHAIRMAN:** The question is that clause 2 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. CLAUSE 2 PASSED.**

**CLERK:** A Bill for a Law to Amend the Customs Law, 1990.

**THE CHAIRMAN:** The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. TITLE PASSED.**

**THE CHAIRMAN:** The next Bill is the Traffic (Amendment) Bill, 1993.

#### THE TRAFFIC (AMENDMENT) BILL, 1993

**CLERK:** Clause 1. Short Title.

**THE CHAIRMAN:** The question is that Clause 1 do stand part of the Bill.

**HON. RICHARD H. COLES:** Madam Chairman, just for clarification, in my copy of the Bill there is similar wording added in, in manuscript...

**THE CHAIRMAN:** Is that in all copies?

**HON. RICHARD H. COLES:** In that case there is no need to make...

**THE CHAIRMAN:** The question is that Clause 1 do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. CLAUSE 1 PASSED.**

**CLERK:** Clause 2. Amendment to the Traffic Law (Revised).  
Clause 3. Amendment to the Traffic Law, 1991.

**THE CHAIRMAN:** The question is that clauses 2 and 3 do stand part of the Bill. If there is no debate, I shall put the question.

The Member for North Side.

**MRS. EDNA M. MOYLE:** Under Clause 2, paragraph 2A, I think the words that should be in inverted commas are "subject to section 11A", and not "subsection 11A", because we go on in B and say "by inserting after section 11 the following new section" - which is 11A.

**THE CHAIRMAN:** That is correct, Honourable Member, thank you for bringing that to our attention. The question is that Clause 2, with that deletion of the word "sub", be amended. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. THAT CLAUSE 2 AMENDED.**

**THE CHAIRMAN:** The question is that Clause 2 do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. CLAUSE 2, AS AMENDED, PASSED.**

**THE CHAIRMAN:** The question is that Clause 3 do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. CLAUSE 3 PASSED.**

**THE CHAIRMAN:** Before we proceed further, there was an amendment, a very minor typographical amendment, but I need to say that it is the responsibility of the Clerk to see that all amendments presented to the House are put in order, as well as any other typographical errors.

**CLERK:** A Bill for a Law to Amend the Traffic Law (Revised) and the Traffic Law, 1991.

**THE CHAIRMAN:** The question is that the Title do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. THE TITLE PASSED.**

**THE CHAIRMAN:** That concludes proceedings in Committee and the question now is that the Committee do Report to the House. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. THAT THE REPORTS ON THE BILLS BE PRESENTED.**

**HOUSE RESUMED 6:00 PM**

**REPORTS ON BILLS****THE CUSTOMS (AMENDMENT) BILL, 1993**

**THE SPEAKER:** Please be seated. The House has resumed. The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I have to report that a Bill shortly entitled the Customs (Amendment) Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

**THE SPEAKER:** The Bill is accordingly set down for Third Reading.  
The Honourable Member for Agriculture, Communications and Works.

**THE TRAFFIC (AMENDMENT) LAW, 1993**

**HON. JOHN B. McLEAN:** Madam Speaker, I have to report that a Bill entitled the Traffic (Amendment) Law, 1993, was considered by the whole House and passed without amendment.

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

**SUSPENSION OF STANDING ORDER 47**

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I believe that in moving the suspension earlier, I did 46, 47 and 14.

**THE SPEAKER:** Let us do it now, it is the proper way to do it, please.

**HON. THOMAS C. JEFFERSON:** Well, I am happy to move under Standing Order 83, the suspension of Standing Order 47, to allow the Third Reading of the Bills to be taken this evening.

**THE SPEAKER:** The question is that Standing Order 47 be suspended in order that Bills can be given a Third Reading at the same sitting. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. STANDING ORDER 47 SUSPENDED.**

**THIRD READINGS****THE CUSTOMS (AMENDMENT) BILL, 1993.**

**CLERK:** The Customs (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member for Tourism, Environment and Planning.

**HON. THOMAS C. JEFFERSON:** Madam Speaker, I beg to move that the Customs (Amendment) Bill, 1993, be given a Third Reading and passed.

**THE SPEAKER:** The question is that a Bill entitled the Customs (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. THE CUSTOMS (AMENDMENT) BILL, 1993 PASSED.**

**THE TRAFFIC (AMENDMENT) BILL, 1993**

**CLERK:** The Traffic (Amendment) Bill, 1993.

**THE SPEAKER:** The Honourable Member for Agriculture, Communications and Works.

**HON. JOHN B. McLEAN:** Thank you, Madam Speaker. I beg to move the Third Reading of

the Traffic (Amendment) Bill, 1993.

**THE SPEAKER:** The question is that a Bill entitled the Traffic (Amendment) Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AGREED. THE TRAFFIC (AMENDMENT) BILL, 1993 PASSED.**

**THE SPEAKER:** We will proceed to Private Member's Motion No. 14/93. The First Elected Member for Bodden Town.

**OTHER BUSINESS****PRIVATE MEMBERS' MOTION****PRIVATE MEMBER'S MOTION NO. 14/93****SELECT COMMITTEE TO CONSIDER PROBLEMS OF CHILDREN, YOUNG PERSONS, WOMEN AND THE FAMILY**

**MR. ROY BODDEN:** Thank you, Madam Speaker. I beg to move Private Member's Motion No. 14/93, entitled Select Committee to Consider Problems of Children, Young Persons, Women and the Family, standing in my name, and which reads as follows:

"WHEREAS the United Nations has designated 1994 as the Year of The Family;

AND WHEREAS the United Nations' sponsored symposium on The Rights of the Child, held in October, 1989, in Barbados recommended inter alia:

"The creation, within each country, of a parliamentary committee to review national legislation and propose measures aimed at ensuring a better and more widespread protection of children, women and the family; and

That the governments of the region adopt a convention on the rights of the child ..... and encourage its prompt ratification in order to work for a better future of the children of the world";

AND WHEREAS it is a concern of many people in these Islands that there is a breakdown of the Caymanian family;

AND WHEREAS the phenomenon known as the single parent family is becoming increasingly more widespread in these Islands;

AND WHEREAS in many instances of the single parent family, this parent, which is often the mother, has to work two jobs in order to make ends meet;

AND WHEREAS an increasing number of young Caymanian children are becoming "latch key" children;

AND WHEREAS many children suffer neglect and abuse as a result of divorced parents, estrangement and other parental breakdown;

AND WHEREAS Caymanians are becoming aware of the neglect, abuse and abnegation of responsibility to children by some elements in our society;

AND WHEREAS the lead article in *The New Caymanian* of Friday, 22nd October to Thursday, 28th October, 1993, outlines a serious deterioration in attitudes among some Caymanian youths;

AND WHEREAS juvenile delinquency is becoming an increasingly commonplace characteristic in Caymanian society;

BE IT NOW THEREFORE RESOLVED THAT this Honourable House appoint a Select Committee of the Elected Members to study and make recommendations for strategies to alleviate these problems in our society;

AND BE IT NOW FURTHER RESOLVED THAT the Government consider the establishment of a Family Court to deal specifically with juvenile delinquency, neglect, abuse, divorce, custody and all other matters related to children, young people and the family.

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

Cayman.

MR. GILBERT A. McLEAN:

Madam Speaker, I beg to second the Motion.

THE SPEAKER:

Private Member's Motion No. 14/93, has been duly moved and seconded and is now open for debate. The First Elected Member for Bodden Town.

MR. ROY BODDEN:

Thank you, Madam Speaker. It is not often that I act like this, for, in an effort to live up to a certain code, I am committed to act as responsibly, as caring, as understandingly and as sympathetically as I can. Nevertheless, I am human and, in spite of how hard I try, there is still a part of my psyche that is basically animal and retaliatory. I say that, Madam Speaker, to say that I suppose the Seconder and myself will be told again that this Motion is a waste of time, should be put in the trash can and that we should be run out of the Assembly.

Madam Speaker, I would like, once again, to make it explicitly clear that I view my presence here most seriously, and in so doing, I answer only to God and the people of Bodden Town in that order. I want to go on record as saying that if this Honourable Assembly can accommodate people whose only claim is having a big mouth, and to being a glorified grass cutters, how then should it not accommodate educated and diligent people, such as the Second Elected Member of Cayman Brac and Little Cayman and myself?

Madam Speaker, I look forward, longingly, to the time when I hand the mantle which the Bodden Town people have entrusted me, to some other diligent, young, educated, aspiring son of the Bodden Town people. Until that time, I have a job to do and I am going to carry out that job, Madam Speaker, with the utmost seriousness and to the best of my ability. I hope that I do not have to digress from the very narrow path that I have set for myself to answer, too many times, and to resort to the kind of defence which I just put up.

I say that, Madam Speaker, to say that this Motion is meant to address a serious lack in our society. Permit me to say at the outset that just this morning, on my way back to the Assembly from the Post office, I happened to have met a lady, for whom I have the greatest of respect from my days as a teacher at the George Town Junior School (as it was then called), and whom many Caymanians have endeared themselves to, a Lady whom I consider a pioneer of modern social work in these Islands - Mrs. Joyce Hilton. She asked me if I had a moment to talk, and I told her I most certainly did. She proceeded to inform me, which, Madam Speaker, I might add, was not entirely new to me, that from her days as a Social Worker she had requested the Government of the day to look into this matter of a family court. So much so that she traveled to Jamaica, at her own expense, and she told me that she met some people there from the eastern Caribbean.

If I am not mistaken, she told me that she also went to the eastern Caribbean Islands. I do distinctly remember her saying that she also paid a visit to Toronto, Canada where she availed herself of the workings of the Family Court in Ontario and she spent some time discussing the matter with the Chief Justice of the Family Court. She told me that she is still convinced that this is what is needed in our country today.

Madam Speaker, this problem of a breakdown in the family is, at this time a universal phenomena, so much so, that the United Nations has seen fit to declare 1994 as the Year of the Family. In my research, I have found out that even countries such as the United States are becoming preoccupied, which is not an inaccurate description, countries such as the United States are becoming concerned and preoccupied with this matter of family breakdown, especially as it affects children and the next generation. Just this morning, I was listening to a news broadcast from London. I heard that the RSPCC - Royal Society for the Prevention of Cruelty to Children - has embarked on a study, the results of which they have handed to the Attorney General of the Conservative Government, with the recommendation that Laws in Britain be so changed so as to make it an offence for any parent, or any adult having responsibility for children under the age of 13, to leave those children alone. The rationale being that the RSPCC is satisfied that children below that age cannot respond maturely enough in emergency situations such as a fire, if they are locked in an apartment, etcetera, to the satisfaction of the society that they can save themselves and save younger people, whether it be their siblings or whether it be younger people of whom they may be in charge. The recommendation goes further. The recommendation is made that no person under the age of 16 be employed as a baby sitter for reasons which I have just stated.

So, Madam Speaker, we can see that this problem transcends the Caymanian borders. This problem is a universal phenomenon. Some months ago there was a row over an article published in Time Magazine, over child prostitution in what is now called Russia. There was first a challenge to the article because there were some photographs published, supposedly, of a child prostitute aged 13. The next issue of Time Magazine bore a challenge from some of the authorities and there followed an acknowledgment by the editor of Time Magazine that they could well have been duped by the person who gave them the information because they did not take the time to investigate the identity of such a person, who was supposedly shown in a picture and was supposed to have been a child prostitute. However, the editor went on to say that while there were doubts on the identification of the person, there certainly was no doubt that the phenomenon existed. That was also corroborated by the person giving the challenge, who said that they were not challenging the existence of the phenomenon, they were merely challenging the identity of the person shown.

I say that to say that even in societies that were as tightly regulated, and still are, because, believe you me, in spite of the revolution they still are opening up and feeling their way as far as becoming an open society comparable to what we know and expect in the West. Even in societies as closed and as tightly regulated as Russia, we have these kinds of phenomena rearing their heads. In October of

1989, a symposium was held in Barbados, where all of the countries of the Caribbean were addressed by Mr. James Grant, who is the head of UNICEF (United Nations International Childrens' Emergency Fund) in addition to being addressed by the Head of the UNICEF Regional Office in Barbados outlining the kinds of problems that we are facing in the Caribbean, trying to arrive at some solutions which we can effect to better this problem.

Several countries have ratified the symposium on the Rights of the Child at the United Nations. Of course, Honourable Members of this House will know that the United Kingdom, when they ratify, will indeed represent the Cayman Islands. But my research has fallen short of proof that the United Nations has, to this point, received the ratification of the United Kingdom Government.

Madam Speaker, coming home to the Cayman Islands it is no secret that the family is a distinctive evolution which had its response in our history and our economic circumstances and the fact that for a long time our men were away at sea, first as fishermen and, secondly, as merchant seamen, so that the responsibility for the upbringing and the holding together of the family was laid with the mother. That also had historical roots in slavery, where, very often, there was a separation - sometimes by accident, but most times by design - a separation of the family - husband from wife, mother from children. So, in this part of the world, we were accustomed to that. Anthropologists have come to describe this kind of society as matriarchal, or matrifocal. I prefer the term matriarchal, and I will tell you why. Matrifocal means the centre of focus is the mother, however, there is a subtle difference in the word matriarchal, which means that not only was the mother the centre of the family, but she was also the centre of authority. That remains so, to a large extent.

Speaking from personal experience, I can attest to the fact that my own family was a family in which my mother was the matriarch and the centre of authority, and the centre of the family was her. Quite so, Madam Speaker, that I wished many a day that my father had flogged me rather than my mother because, I believe, the few occasions that he did flog me he was rather sparing with the licks, but my mother had no such quality. However, I am none the worse off for that, and I am sure that many Honourable Members are in the same position.

What is the significant difference now from those times - and I underscore this - is that at those times the mother had the luxury of being, strictly speaking, a housewife. Now, any mother who finds herself in that category is truly blessed because the situation in modern times has so evolved that it takes two people to be bread winners so that the family can live, not luxuriously, Madam Speaker, but comfortably. As a result of that, there are now strains on the mother, and on the father, and on the family which were non-existent during the times when we had a situation in the Cayman Islands where the mother stayed at home and was a housewife. I hear many young ladies wishing that they could have the luxury of being full-time home makers. They would literally, some of them, trade their weight in gold to be in that position. So, emanating out of this modern movement and trend, the family has been placed under certain stresses and because of this, the partners are sometimes not as pliant, not as tolerant as they should be. I contend, indeed I am convinced, that because of this situation; where two people are placed in a situation where they have to work, they have diverse interests, where they do not probably have had enough leisure time to share together, where they come home tired and find they have to wash dishes, or change diapers, or mop floors, it puts them in positions where, in many cases, they cannot completely relax and, because of that they are less tolerant and are likely to have situations arising where petty differences grow and grow until they turn into irreparable and irreconcilable differences.

Adding to that, Madam Speaker, we have, what I call, modern detractions; the advent of television, the availability of recreational drugs and, in this, I include alcohol - the preoccupation with "going out on the town". This whole business of what I call "cultural imperialism"; the need to have a bigger house, a better car, to be able to take more frequent vacations than the neighbours. All of these stresses were not present years ago. So what we are now having is that they are impinging upon the unions shaking, rattling, and tearing them asunder, so that the stresses, sometimes, become unbearable. Also, Madam Speaker, a significant evolution which has, what I consider, 'negative bearings' on the durability of the union is the absence of the extended family. Years ago, when we were just evolving, families lived close to both parents of the wife and husband. They were always quick to lend a hand, and, sometimes not reluctant to give advice or orders, if orders were necessary, to cement the union and to maintain its viability. Now, however, that is the exception rather than the rule, because as we have progressed economically, so too have we tended to move away from our immediate family. So, there is an absence of this kind of help and of this kind of advice. Anyone who, some time ago, saw the play entitled "De Honeymoon Over" must certainly appreciate the worth and importance of these, most times, well-meaning members of extended families.

Madam Speaker, the problem of what we call "latch-key children", that is, children who come home, let themselves in and out of a house with no parents, frequently no older brothers and sisters, is a growing problem in this country and it should frighten all concerned people. Whereas we have no inner cities, and, strictly speaking, we have no subculture of street children, as they have in some countries, we, nevertheless, have to be concerned about the increasing number and the fragility of the situation in which these latch-key children find themselves.

Madam Speaker, I am satisfied that the problem of neglect, abuse, estrangement, and of an abnegation of parental responsibility is well known to elements of the Caymanian society. Indeed, it is known to Legislators. I would like to go on record as saying that it is my belief that the most effective solution for the problems which this Motion is seeking to address, must come from a uniting of the efforts of all elements in the society; must come from an amalgamation of efforts by the churches, the schools, the service clubs, the parents and guardians, as well as by responsible adults, because, it would be remiss of me to suggest that the Government, as eminently equipped as it may be in terms of having at its hand personnel resources and finances, to suggest that the task can be accomplished by the state alone.

I am a fervent believer that the church has a role to play, perhaps the church has the greatest role to play because it is that institution which sets the moral standard and the

spiritual tone to which the rest of the society should aspire. So, too, has the Government and the wider society, a role to play. It is incumbent upon us that we take some time out to be our brother's keeper, to exercise, not only interest, but compassion - to become involved. Many of us made it because someone dared to go the extra mile to extend a little effort to help us, either through a kind word, a deed of encouragement, or even some disciplining that was a little more painful and tear inducing. If we let our society deteriorate to the point where juvenile delinquency becomes endemic; to the point where the family break down rate becomes comparable to that of California; to the point where the efforts are singular or disjointed, we will be doing a serious disservice to the youth and the future.

So, Madam Speaker, the first section of the Resolution seeks the appointment of a Select Committee that we may hear, first hand, and in-depth study, and then logically and sensibly take these findings and try to arrive at some long term and lasting solutions which are in the best interests of the people affected.

The second Resolve, seeks the consideration of the establishment of a Family Court. A court which will not necessarily be quick to terminate unions and to break up families, but a Court such as I know exists in some jurisdictions of Ontario, and, indeed, in Jamaica, as my research has borne out, that have the power to recommend counselling where it is thought that such counselling would shed new light, would solve the problem to heal the rift; a Court which is characterised by jurists who sit with compassion and who have access to professionals in clinical and counselling psychology and who have access to resources so that the emphasis can be upon containing and maintaining, mending and healing; where termination occurs, but occurs only after contemplation, study, and as a last resort. The Court has the ability in dealing with juveniles to recommend the kind of pastoral care, and the kind of programmes where the juvenile can reclaim some lost self-esteem, self-pride, some confidence in himself/herself, and where there can be options given to supervise in regulated community service, for those kinds of people who desire to go that route - for those people that are a little bit more hard core, where they can be placed in programmes which have proven track records.

Let me conclude by relating an anecdote, because I can feel in the air that I am going to be told that the Government is doing all this; they have taken steps to redress all of this, even more. I am reminded of an anecdote which tells of a Zen Master who visited a professor and the professor poured tea for the master until the cup was overflowing. The professor continued to pour tea until the master could stand it no longer and he said, "Enough! Enough! Can't you see the cup is overflowing?" "Ah," said the professor, "how can I show you Zen, when you are like the cup - full of your own ideas and full of your own notions, and have come to me telling me of your experiences and what you are doing?"

Madam Speaker, thank you kindly, enough said in this introduction.

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

**MR. GILBERT McLEAN:** Madam Speaker, as the Seconder of this Motion, I have sat in rapt attention and listened to my friend and colleague present a case for this Motion which is before this House. With all the respect that I have for him, now and in the past, I would certainly not try to add anything, whatsoever, to what he has said. His summation, his last words spoken, I think, clearly states the fate and outcome of this Motion. But he should be assured that with his intellectual ability, his knowledge, and experience in the area that he has just spoken to, his time will come when he can put in place the things which he has spoken about.

In the meantime, he, like I, must sit and wait, and hope that something will occur to help this and other situations. But the cycle of life guarantees that his time will come. I compliment him on his presentation and on the bringing of this Motion. It is obvious that the Government is unable to answer to it.

Thank you.

**MOTION FOR THE CLOSURE OF DEBATE**  
(STANDING ORDER 38)

**MR. GILBERT McLEAN:** Madam Speaker, on a Point of Order, I am not quite sure what Standing Order, or otherwise, it will fall under, but there has to be, I would believe, some situation where the House cannot continue on in this silence and there is some obligation on the part of the Government to reply, or to say that they have no reply, and we should take a vote on the Motion.

Thank you, Madam Speaker.

**THE SPEAKER:** Are you moving that the question be put?

**MR. GILBERT McLEAN:** Yes, Madam Speaker.

**THE SPEAKER:** The Honourable Member for Health and Human Services.

**HON. W. McKEEVA BUSH:** Madam Speaker, it is my duty to reply on behalf of the Government, but I was really waiting to see whether anybody had anything new to add to the debate because the two Members that moved the Resolution have not introduced anything new to me. I have been in this House going into my third term, and I have moved resolution after resolution. Since getting into Executive Council I have been elected with a Government that is addressing the problems of children, family and of the Cayman Islands society in general, and for that I am happy. But, it would not behove me to allow this debate to close because there are a few

things that have to be said.

I noted the start of the debate by the Member. Madam Speaker, in this advent season I will not allow myself to be drawn into the personal castigation that was heaped upon myself by the Mover of the Motion, the First Elected Member for Bodden Town. I will only say that I have two businesses. One is a maintenance business which has a grass cutting part to it, and I have another business. I do not think that this is any shame, and I am by no means ashamed. If they want to call me a glorified grass cutter, that is alright with McKeever Bush. I have fed my family from that business for going on to well over 12 years now. It is legal, and, as I have said, it feeds my family honestly. There is a saying, that no matter how much education a person might have if that person does not put it to good use, then of what use is it to him or his community? In this advent season, the time to be jolly, I will leave that Member to his folly.

Madam Speaker, I am happy that the Mover and the Seconder of the Motion proposed to offer themselves as part of the solution to the grave problems they depict through the proposed Select Committee. Every person, especially, in a small community has to be either a part of the solution or part of the problem when social problems arise.

I am happy, too, that they have asked for the Family Court to be considered. Madam Speaker, it can only be good depending on the context in which it is applied. If a Family Court is not set up properly it will only make matters worse. But I have been in discussion about this Family Court and, in fact, it is a part of the National Team's Manifesto on the Community Development aspect. I draw Members' attention to the fact that this matter is a significant feature in the National Team Government's Manifesto. The section speaks to the matter of consolidation of the various pieces of legislation which all relates to child protection issues, and the importance of these pieces of legislation being reflective of the relevant needs and issues of these Islands.

Indeed, this is the same matter which is raised by this Motion. As we look at the whole question of legislation which speaks to issues regarding young people, there is much confusion as there is at present great variance between the various pieces of legislations. The present management of the Juvenile Court which deals with both civil and criminal matters simultaneously, means that youths who have been wronged are treated in the same environment, and at the same time, as those who consciously breaks the Law - all within the same piece of legislation. The essential point which must be underscored is that the spirit of the existing legislation is that of a criminal justice perspective which is overriding and clear - it really only alludes to care and protection matters.

The present Juvenile Law therefore has as its focus matters which deal with juvenile justice issues, while very little is contained which promotes care and protection issues for young people who need protection and attention paid to their rights.

Madam Speaker, long before the National Team's Manifesto was drawn up, this Member, kept pushing for a Family Court, and within the *Hansards* the records are there, when, as far back as three or four years ago, I debated on the aspects of a Family Court with responsibility for the administration of the Juvenile Court. And I quote here, from the *Hansard*:

"Ever since I have been in this House I have called for a family court. Establishment of a family court with responsibility for the administration of the Juvenile Court. That is because of the position the child holds within the family unit and the need for every child to have a family suggest that the Family Court could be the appropriate body for such administration. We know that such things as divorce could be held or that is where it should be held. In such an atmosphere rather than in a criminal situation." [*Hansard* - July 20th, 1990]

Madam Speaker, that is still my view today. Because I have had representation of what people perceive to be a serious matter in regards to divorce and the ease with which divorce has come about, or can come about, and members of the community have addressed this matter to me. So the matter there, speaking on Friday, July 20th, 1990, was one of the times that I put across the idea of the Family Court.

I believe it would, indeed, make a valuable contribution to the judicial process. It would, at this time, however, require significant outlay in expenditure with respect to staffing, physical space and, indeed, would bring about a whole change in the management of matters, which are very personal family matters, from the way they are now handled within the judicial system. As we all know, family matters today, are handled by various aspects of the judicial system; custody and divorce by the Grand Court, maintenance issues by the Magistrate Court and juvenile matters largely by the Juvenile Court. This change would indeed overhaul the entire system itself. The move to this change is being studied carefully, as it would have an impact on the entire judicial process and all the background details must, indeed, be worked out carefully so that we do not change without the necessary training for staff and the necessary public education work. So that our community fully understands what the change in the judicial process would mean and that is, in fact, in their best interest why such changes are being made. What is frequently overlooked, is the importance of working out beforehand the administrative arrangement between Departments, like for instance, the Social Services Department which, if this is not done, actually slows down the process and can create bottlenecks.

Madam Speaker, the Honourable Attorney General and I have had preliminary discussions on this matter of the creation of a Family Court. But, this cannot be done, as I have just pointed out, in an easy manner and it will take some time. Therefore, as I have said, it is, as far as this Motion is concerned, already being addressed.

Madam Speaker having said that, Government does not support the Motion. We do not support the Motion because, as I have said, we are already actively at work addressing the



matters raised, though not all these matters, it may be said, can most effectively be addressed by Government's actions in and of itself. However, where a situation exists that we feel needs outside input, the input of other entities, we are working closely with the public.

We are fully aware, as a Government, that 1994 is the United Nations' Year of the Family, and while moves have already been made to establish a Committee to plan and advise on this between the Portfolio for Health and Human Services, the Portfolio for Education and other entities, we, however, did not, as a Government, need this Motion to prompt our concerns for and support of the family, as even a quick glance at our Manifesto and subsequent actions since will show. In fact, we are also in the planning stage for the establishment of a National Institution of the Family to act as a research body and to advocate in the interest of the family as a social institution.

One of the early tasks of the Committee, Madam Speaker and Honourable Members, on the Year of the Family will be to advise on possible terms of reference and membership of such an institute. However, all those sectors which are already doing so much good work; contributing to the well being of families, either directly or indirectly, would be eligible for membership, such as, the Churches, the Schools, the Sports Groups, the health and voluntary sectors, members of the business community, that is, Business and Professional Women's Club - of course - and the Association of the Justices, which I am a member of myself, and other entities which all make and do make a difference to the welfare of children and young people and their parents. Their activities are all part of an organic whole, and while not all parts of that organism are healthy, I would resist some of the catch phrases that have been used. There have been, of course, changes taking place within the family structure and it has been, and continues to be, subject to the many stresses.

Madam Speaker, we are all well aware of the juvenile problems existing in our country. And we are all confronted with it. I am, as a representative, as a parent - I have two teenagers myself - I have been worn down with problems that confront families today. I have, over my time in this House, spoken about these matters time and time again. As I have said, I take pride in the fact that I am on Executive Council, and that, I have been able to do something about it with the help of other caring Members of this House who care to get involved. But, in spite of all these problems we should not, Madam Speaker, lose sight of the fact that there is still, in fact, a very small number of young people involved in these kinds of activities in comparison to the many good young people in this country.

Yes, Madam Speaker, we often hear about how bad the youths are, and we do have a lot of problems that have been created in the last several years. But, thank God we have many good young people. When we go to graduations and in other areas, and we see the type of young, stalwart people in our community, we cannot turn aside and say that all the other problems have enveloped these as well. I say all of this, of course, not to deny that there are social problems of the sort that the Elected Member for Bodden Town has drawn attention to, but to make the point that when we start to consider what the appropriate public policy response is to these matters, we have to be aware of the breadth and depth, not to mention the source of the problems we are setting out to tackle. How else could we make prudent decisions? We must undertake to do more. Madam Speaker, we must undertake to do more than trade on topicality.

The Government has not been waiting for anyone to come along and introduce to us these issues. What the Member, unfortunately, takes advantage of by his style and, of course, what he says is his education, is the lack of hard knowledge about the causes of these problems - this phenomenon in our community. He does more, of course, in this Motion to create a sense of hopelessness regarding the issues facing children, young people, women and families, than what he accuses the entire Government of in his Budget presentation. But, as I have said, we have many talented young people and there are many efforts and achievements of many in relation to the care of children and a healthy family life-style.

Madam Speaker, some highly emotive phrases were used; breakdown of the family, single parent, latch-key children - I have used that myself at times - and this creates a real stew of misery, and he does this while saying, or portraying, that there is nothing being done about this situation. As far as I am concerned, it is enough to lead me to suggest that if those two Members, or any other Member for that instance have suggestions, they can and should be making them instead of moving Motions of this nature to set up a Committee.

Madam Speaker, I am not an organisation and management expert by any means. I am not! But, it seems to me that the tenor of the first resolution proposed under this Motion to study and make recommendations for strategies has more to it of the flavor of the sort of task the Civil Service, our Executive Branch, or some other independent agency ought to undertake as opposed to ourselves as Legislators.

We must not forget that we are still in the process of the revision of the Penal Code. So far we have had the Justices come before us, we have had Judges, we have had Headmasters and Headmistresses come before us, the Department of Social Services, and we have had a Crown Council with special knowledge in juvenile problems come before us. We are still taking evidence and a lot of important things to do with the family, as no one can say that the Penal Code does not hold within it, the ambit to address matters affecting the family. Because, certainly, section upon section of the Penal Code has to do with nothing but the problems of the family, even if in a penal situation. But, what I should say, and what Members are aware of, is that when we take witnesses in the Committee we address the problems that lead up to a person going to court, or getting into trouble, even before they go to court. Now, Madam Speaker, there are other persons from the community who want to come before the Penal Code Committee to address us.

Madam Speaker, I want to assure Members, the Mover and the Second of the Motion, that action is being taken in the matters talked about - of necessity, along a number of fronts at once. And since I think that we should all agree that this is a multi-headed monster we are juggling with, it is our intention for the proposed National Family Institute to promote the development of specialist services, such

as family life education, and other awareness programmes. This Institute will also help the Government and the community to gain a better understanding of the changes of the structure of the family, and the various forces affecting it, and make recommendations thereon, and carry out any action for positive impact. This is one of the major initiatives that will be taken by my Portfolio next year. And, as I have said, work is already ongoing in that aspect.

It will also conduct research, for instance, on the impact on families of an economy which demands labour from both parents in most cases, in contrast to a prior tradition of fathers serving as seamen, and mothers normally as housewives, which itself was preceded by a pattern of subsistence off the land and sea. This is an economic change whose social implications we do not yet fully appreciate, nor have we sufficiently identified or analysed as yet, the changes in methods of discipline, and other aspects of socialisation, for children and young persons in the family or the wider community.

Madam Speaker, if those two Members have answers, let them set up a committee of the two of them and make their recommendations. But I am not going to form another Committee to do something that is being addressed from so many different points, I cannot, and if they have answers, then put their answers forward.

Madam Speaker, I too, read books, and I too, can decipher from these books what the problem of the family is. In fact, I have the same book the Member has on his desk, "Today's Children - Creating a Future for a Generation in Crisis". I think we probably got that around the same time. And I would further say another good one for him to get is, "Social Stress and Family Development". Madam Speaker, here is another good one called "Childhood's Future - New Hope For the Next Generation", he might have that one already. What these books do is give us a good idea of what happens in the outside world. But not everything can be related to Cayman, nor applies to Cayman. We must never forget that.

Madam Speaker, you saw us the other day in the House listening to the Second Elected Member for Cayman Brac and Little Cayman talking about getting more police to deal with drugs. One of our problems is that we have tended to respond to these types of social issues, just responding to them over the past years, in other words, treating symptoms. The idea of devising more strategies, in my opinion, would be just a matter of adding more treatment to the symptoms. We are already engaged enough in that type of activity and the country, over the past years, has already engaged in too much of that type of activity - devising more strategies for treatment of symptoms. We recognise that what is now needed is a closer look at the causes of our social problems. For instance, Madam Speaker, that is why the National Team took a decision to have a study conducted, hopefully to start in late January or early February, 1994, on the causes of crimes which, Madam Speaker and Honourable Members, will highlight causes of juvenile delinquency.

So, Madam Speaker, I cannot, in all honesty, agree to set up another Committee. If he is a psychologist, then he should put that to good use. I would say to him, Madam Speaker, that he set up a Committee with himself and his Second and give me a report, and then, I will deal with it. But I am not going to waste Members' time devising more strategies for the treatment of symptoms because this is what the Resolve section asks us to do, "...appoint a Committee of the Elected Members to study and make recommendations for strategies to alleviate these problems."

Madam Speaker, it is no exaggeration to say that in this country we have pushed the Churches to the side as participants in the evolution of public policy. Nor, that because of this, and because of the contrary pulls and stresses of other forces affecting our entire social and cultural efforts, we have made the Churches appear to be a mere equal to any other moral or ethical guide available from the range of choices in life-style present in this emerging consumer society. In other words, it is as if the view of the Church has no more validity than that of any other entity. I would say in this vein that I take my Executive Council responsibility for ecclesiastical matters seriously, and I see it as a great boon to the work of my Portfolio. I have had some meetings with the Ministers. We have had one Seminar, so far, and I have also had one meeting thus far with the Ministers in my own district in order to try to agree on ways in which the Churches and Government can join in responding to problematic social issues or, indeed, to effect or promote activities to enhance social development. On the other hand, along with the Churches taking, or being allowed, a greater role as an actor or influence on public policy, we must, as legislators, seek to promote the fundamental role of the Church as an actor and influence in individual moral and ethical standards.

I need not tell you, Madam Speaker, that the potential implications of this is enormous, in terms of an impact on the care of children, the integrity of the family, and even on juvenile delinquency. The Churches have a good role to play and, in fact, has played a tremendous role in trying to keep the social fabric of society together. As I have said, I have started discussions with Ministers starting in my district and then I will move on out into the other districts as well.

Members are also reminded of a number of initiatives which my Portfolio has undertaken. They are but examples of some of the more pointed activities from the point of view of this Motion. They have all been mentioned before, Madam Speaker, in one public forum or another, and I cannot go into detail on these initiatives tonight, at this late hour. Members already however, know that we are, as a Portfolio, as a National Team Government responding to the matters at hand. I would like to think of our approach as weaving threads back into a fabric which has been torn in places and become thread-bare in others. But I will list a few examples; the pilot scheme we proposed through the Labour Department in 1994, to try to rehabilitate some of those who are now regarded as unemployable, and this may call for teaching a combination of job skills and work ethics using an appropriate reward scheme; the After School Programme in which sports personnel, schools and churches are participating, supported, hopefully, by a time-release scheme in which employers release one or two persons from duty for a couple of hours, perhaps a couple of days per week, to assist as volunteers in this programme. And this programme is being expanded, we are supporting the programme now, and we are expanding, there is money in the Budget for all the districts for the coming year, in every district I am hoping, to

have the After School Care Programme started.

There are three initiatives within the Social Services Department which should be mentioned: a programme planned for 1994, to try to wean some young single mothers off welfare, an outline of which was given to the Finance Committee just last week; a redeployment of staff to increase the social work presence in the districts. Again, an outline of this, Madam Speaker, was given to the Finance Committee. How long have I been asking for these things, and yet those Members have the audacity to say that the Government is doing nothing. When we have attacked the social problems from these many points of view.

In some respects, Madam Speaker, most significantly, is the proposed revision of the Juvenile Law. A draft has already been prepared and is now being studied. I should say, it is not just a draft but two drafts and the purpose is to make clear and separate provisions for juvenile offenders and for children and young persons in need of care and protection, stressing along the way the responsibility and accountability of the family.

Madam Speaker, this new approach to the management of juvenile matters coming before the court, is designed conceptually around the development needs of our community and which seeks to redress the present management of child protection issues, civil issues, that is, separate and apart from juvenile justice issues or criminal issues. This approach to separate the legislation into two pieces, namely, a Youth Justice Law, and a Children Law, would allow all criminal and civil matters to be treated separately, and differently, given the moral and legal realities which naturally accrue for the two types of issues.

The respect for the Juvenile Court system would be enhanced, and the entire judicial process for youth would be more meaningful if this change in approach is taken on board. The other aspects of the Children's Law give certain responsibilities to parents which hitherto did not exist in Law. And this is what people have been complaining about, the courts have been complaining about it. This section is very significant as it, for the first time, will outline in Law the responsibilities of parents. Clearly, the matter of repercussions to be brought down to where one fails to carry out these responsibilities is a natural follow and is, indeed, one of those types of issues which would best be worked through by the full legislative process. This new proposed arrangement of legislation for young people, also seeks to establish a new system of orders which will address the care and protection needs of children in this jurisdiction. Again, Madam Speaker, a matter which has never been properly constituted in Law.

The draft legislation (Children's Law) is operating under the premise that children have rights and, indeed, could be seen to be representatives of the spirit expressed at the United Nations Symposium in 1989, on the Rights of the Child. I attended that symposium as well, Madam Speaker. It is hoped that this legislation will be tabled in the New Year, and will receive support from the whole House.

The Youth Justice Law, on the other hand, singularly looks at criminal justice matters and, as such, treats these issues with a wide range of orders which provides a multiplicity of options to rehabilitate the youth. Few options, as we know, exist today. One of the failings of the present arrangement is that with the court dealing with both criminal and civil matters in the course of a sitting, more often than not, the welfare needs of the criminal justice youth supersedes the crimes which have been committed. While no advocacy is being put in place against importance of lack of concern for the welfare needs of all youth, the court's focus would be clear with legislation which is designed to consider the welfare issues as secondary to the wider matter of how to effectively respond to the criminal justice matter, which is before the court. Madam Speaker, we are doing a lot, even if the First Elected Member for Bodden Town calls me a glorified grass cutter.

Madam Speaker, this proposed legislation that I was dealing with, perhaps hits more directly at the sort of initiatives proposed in the Motion regarding a family court. As I have said, we are clearly well into the game already in that respect. This legislation also would do much to set us on the path envisioned in the Barbados Symposium on the Rights of the Child.

A major initiative for early next year (I have three for next year), is the examination of how we can set up, and make functional, some sort of national youth corp. This is nothing new for me. I have talked about it for years since I have been in this House. All of these initiatives can be traced back to the Community Development section of our Manifesto, that is, the National Team which is so hated by those Members, in spirit, if not in letter, and emerged from policy decision taken by my Portfolio in its first year of operation.

Madam Speaker, my final comment is that in all of this, we have acted contrary to the misconceptions put about by some of those Members, that we have thrown out everything the previous Government did. In this regard, while I am still critical at the large fee paid to produce the Youth Services Review Report, I have no hesitation in acknowledging that I independently came to many of the same conclusions. In fact, this only goes to show what I always say, that external consultants tell us in different language the same things we have told them. For example, the Youth Services Report recommended a degree of decentralisation and computerisation of the Social Services Department, changes to the Juvenile Law and Court; more attention to recreation facilities, and restructuring of services for young people, to name a few, all of which I have pushed for for many years, and the National Team Government is doing, whether they like it or not, and some of which we have either implemented or propose to implement.

The Report also recommended a new sense of vitality to be added to the use of the voluntary sector, and we propose, however, to go beyond that. As we have alluded to before, a number of sectors are being called on more insistently and with an evolving clarity of purpose to join with Government in the effort to give positive shape to our social development by taking a role as parties to a new social contract with the Government and the people of these Islands.

Madam Speaker, the National Team Government has put major emphasis on prevention and is strategically planning actions which are long-term oriented, and will improve and ensure quality of life for our young people and their families. In view of all that we are already doing, or have in the

pipeline, the Government cannot support this Motion. Personally, I feel good ending this year Madam Speaker, much better than I did last year. Although just being elected to Executive Council, because, in all fairness to all Members of Government, we have done a lot of work. Yes, we have not solved all the problems, but, thank God, as one newspaper reported; crime, for instance, is on the decrease. We have taken measures, and for Members to say otherwise, Madam Speaker, is simply because they cannot have their way with us and they shall not have their way with the National Team Government.

Madam Speaker, if the Members who say we need a Committee to plan strategies - one of them has a degree in Sociology and the Second Elected Member for Cayman Brac and Little Cayman has some sort of degree in teaching - I suggest the two of them can get together and set up a committee of their own, and make a report to me. If it is of value we will take matters into our hands and deal with it expeditiously, as best possible as a Government can. But I will not ask Members of this Honourable House to sit on another Committee to do something which we are already addressing.

Thank you, Madam Speaker and may all Members have a good Christmas, including yourself Madam Speaker, and the Clerk of the Legislative Assembly.

In closing, I should say I want to thank them all for the work they have done in the past year, certainly, they have been taxed. I want to extend on behalf of my family and myself, Season's Greetings, and God's richest blessing for a happy Christmas, a prosperous and a healthy New Year.

You are a musician yourself, Madam Speaker, and are well aware of that Carol called "Oh Holy Night", which talks about a "thrill of hope, the weary world rejoices, for yonder breaks a new and glorious morn!" Yonder breaks a new and glorious morn! A thrill of hope - that is what I am going forward into the New Year with, God's willing.

Thank you all.

**THE SPEAKER:**  
Member for Bodden Town wish to wind up?

If no other Member wishes to debate, would the First Elected

**MR. ROY BODDEN:**

Thank you, Madam Speaker. Not only is the night nigh upon us, but so also is the Yule Tide approaching. However, Madam Speaker, I crave your indulgence, to make a few points, a few closing remarks. Madam Speaker, one of the parties contesting the election held in Jamaica some time ago, had as their slogan, "Action! Not a bag of mouth". I want to say that as far as I am concerned, I have always, and that is long before I entered politics, tried to give back some of what I believe and what my conscience tells me that I owe my community and country. I have said this in here before.

That is why I came back from Canada where I was a landed immigrant and probably by now, had I stayed, I would have been the token black in some academic institution, as was my desire to be. I came back because there were hundreds, if not thousands, of people from countries such as the Cayman Islands in Canada who had deserted their communities. I came back to be a role model. And I have been that, so much so that I have been involved many years now working with the young men in Bodden Town and, I am happy to say, I continue to be actively involved. So that is where my time is, Madam Speaker. I hope that the Member responding on behalf of Government realises that not only am I proposing, but I have rolled up my sleeves and have been in the trenches as often, and as necessary, as I have to be. Madam Speaker, there is a well-known African Proverb, which goes; "So loud is the thunder, but so little it rains".

Barrington Chevans, the Jamaican Sociologist who specialises in these kinds of family situations, did an analysis where he identified some of the critical problems facing the family, particularly the male child and the adult, which seems to be an increasing problem, certainly in Jamaican society, and elsewhere. He also said that some of the causes for the breakdown in the family and the pressures put on children was the result of an increasing sense of materialism. Then, he listed, lastly, but not insignificantly, the abuse of women and children. Certainly that, too, is a phenomenon with which we, in the Cayman Islands, are not entirely unfamiliar. In my research, I have discovered that in Jamaica there is a vibrant attempt to come to grips with these problems and to understand and to realise that the family is the basis of society and that if the family breaks down, then so goes the society. Indeed, Madam Speaker, so important and significant is this whole notion, that I noted that the Pontiff said in a speech during his visit to Jamaica in August that the destruction of family bonds was one of the greatest evils coming out of the history of slavery. I quote: "The Family, born of the faithful love of man and woman, is the basic unit of society, the cradle of life and love, where God's gift of new life is welcomed and nurtured and allowed to develop."

In their efforts to come to grips with this problem, some of the mechanisms set up are Family Life Ministries, which is a church organisation which gives weekly time and reaches out to the national audience on one of the Jamaican radio stations. They have also set up an organisation called "Coalition for Better Parenting", and they have encouraged the formation of another organisation called, "Parenting Partners". One of the resolutions, one of the requests, is that the Government consider a family court. In Jamaica, the Family Court provides counselling services for broken families and, where necessary, it brings together probation officers, child care officers, family counsellors and the court of law.

Dr. Elsa Leo-Rhynie, who is the professor of Woman Studies, at the University of the West Indies, said that what is needed to stem this tide is a national mobilisation focused on the strengthening and rebuilding of the family. She underscores that such a campaign in Jamaica will begin in 1994, with a more concerted effort and recognition of 1994 as the 'Year of the Family'. She further stresses that one of the main problems is young people with no central core of family values who easily fall victims to bad influences and corrupting mores. She stresses that the family structure influences the opinions that children form, the attitudes and values they develop, and the type of behaviour they display. So we cannot over emphasise the need to address this problem quickly.

The Honourable Member replying on behalf of Government may try to poke fun at the Seconder and myself by insinuating that we should set up a committee ourselves...

**POINT OF ORDER**

**HON. W. McKEEVA BUSH:** Madam Speaker, on a Point of Order. I would just like to say to the Member, if he allows me, that I was not poking fun...

**THE SPEAKER:** Would you please sit down Honourable Member?

**HON. W. McKEEVA BUSH:** For the sake of clarity, Madam Speaker, since he has allowed, I was not poking fun. I really meant it. He has a degree in Sociology and the other one is a teacher. Since I am an idiot, let them set it up and give me their report. I will look at their recommendations or I will have my Portfolio look at their recommendations, since I am an idiot.

**THE SPEAKER:** That was a point of clarification, Honourable Member. Please continue Honourable Member for Bodden Town.

**MR. ROY BODDEN:** Thank you, Madam Speaker. Perhaps, Madam Speaker, the Honourable Member has not heard of the work done by the liberal New York Senator, Daniel Patrick Moynihan. If the Member is saying that he will commission the Second Elected Member for Cayman Brac and Little Cayman and myself, to do such a study, given the undertaking that he will assess the study when we complete and present it, Madam Speaker, I will have no hesitation. But, short of his giving a written commission and undertaking, I have no authority, prerogative, nor jurisdiction to do such a thing.

I was saying that these kinds of studies are not entirely for inter-legislative work, because it was through the work of Daniel Patrick Moynihan that the United States decided that poverty was a significant problem. When Senator Moynihan presented his study showing that a significant percentage of people live below the poverty line, it opened up a whole world that the United States Legislators were either pretending did not exist, or preferred not to acknowledge.

So what the Second Elected Member for Cayman Brac and Little Cayman and myself were proposing, in the establishment of a Select Committee, Madam Speaker, is not farfetched and is not an idea out of "Alice in Wonderland". Indeed, we were prepared that the Committee be chaired by one of the Members of the Government because we recognised that there are some over there that are eminently equipped to handle that. As for his reference to work being done on the review of the Penal Code, may I remind that Honourable Member that it was this Member who brought that Motion. But, that the Penal Code does not have any specialist bearing on what is requested in this Motion which deals with the Problems of Children, Young Persons, Women and the Family. As a consequence, I cannot see how the suggestion that the addressing of the Penal Code is going to be the solution to some of these things mentioned, unless we are talking about a band-aid solution.

So, Madam Speaker, it was, as I have said at the beginning, 'I told you so'. I reiterated that that was the approach that was going to be taken. I am only left to wonder what next, because I am sure that Sanballats and the Tobias of the National Team, over the holidays, will dream up some counters to say that they cannot accept the Motions which Members on this side, who have had a reputation of bringing such Motions, will bring.

In closing, Madam Speaker, let me say that I am satisfied that I have tried my best. I have been down many times and each time I have dusted myself off. I am reminded of Oliver Goldsmith, who said, "Our triumphs do not come from the times we have been down, but from the times that we get ourselves up, brush ourselves off, and continue to plod on." There is no change without a struggle. So, we are prepared to continue.

Madam Speaker, may I take this opportunity to say I thank you for your patience, and your fortitude, your guidance over the past year, and may I express on behalf of my colleagues, the Second and Third Elected Members of Bodden Town, God's speed and best wishes for a Merry Christmas and a Happy New Year to you and your family, and to express to all the other Members of this Honourable House the same sentiments. I hope and pray that God may guide us and keep us safely that we may return here in the New Year, refreshed, invigorated and recharged, even if that is to continue this old adversarial struggle.

I think, sometimes, in the cut and thrust of our debate, we have to resort to some unpleasantness, but, it is all in the work of our country. I am sorry that the Government is so intransigent and feels that way, but let me assure the Honourable Member that I put no obstacles in the Government's way to come to grips with this solution. He knows full well that if he needs my help, or my input, he merely has to ask. But, I am afraid that I do not bear the presumptuousness to volunteer any of my work where it might not be fully appreciated.

Thank you.

**THE SPEAKER:** The question is Private Member's Motion No. 14/93. I shall put the question. Those in favour please say Aye... Those against No.

**AYES AND NOES.**

**THE SPEAKER:**

The Noes have it.

**MR. ROY BODDEN:**

Madam Speaker, may we have a Division?

**THE SPEAKER:**

You certainly may, Madam Clerk.

**CLERK:**

**DIVISION NO. 17/93  
PRIVATE MEMBER'S MOTION NO. 14/93**

**NOES: 9**

Hon. Richard A. Coles  
Hon. George A. McCarthy  
Hon. W. McKeever Bush  
Hon. Thomas C. Jefferson  
Hon. John B. McLean  
Mr. John D. Jefferson  
Dr. Stephenson A. Tomlinson  
Mrs. Berna L. Murphy  
Mrs. Edna M. Moyle

**AYES: 3**

Mr. D. Kurt Tibbetts  
Mr. Gilbert A. McLean  
Mr. Roy Bodden

**ABSENTEE: 6**

Hon. James Ryan  
Hon. Truman Bodden  
Mr. D. Dalmain Ebanks  
Capt. Mabry S. Kirkconnell  
Mr. Anthony S. Eden  
Mr. G. Haig Bodden

**THE SPEAKER:**

The result of the Division is 3 Ayes and 9 Noes.

**PRIVATE MEMBER'S MOTION NO. 14/93 NEGATIVED.**

**THE SPEAKER:**

Before I take the Motion for the Adjournment, I would like to take this opportunity to wish every Member and all their families, a peaceful and blessed Christmas. Of course, these wishes are also going to the Clerks and to the other Officers and Staff of the Legislature.

I can see that Mary and her helper have been so very good to Members that they were reluctant to close off the proceedings by staying so late tonight. I know that their work and efforts have been very much appreciated.

Thank you.  
May I call on the Leader of Government Business for the Adjournment?

**ADJOURNMENT**

**HON. THOMAS C. JEFFERSON:**

Madam Speaker, before I move the Adjournment, perhaps I, too, could say how very appreciative we all are to you for your guidance, and to the... I am being encouraged to enlarge it and say on behalf of the group... so I shall do, to you Madam Speaker, for the guidance which you have so gracefully, during these several weeks of proceedings under the Budget Session, and to the Clerk and her staff; special mention to Mary and her assistant in the kitchen who I think kept us rather jovial because our tummies were well looked after. And to wish ever Member of this Legislative Assembly, and the staff, a very joyous Christmas season. And we hope that we will all join in all festivities, but to always be in control of oneself so that come 1994 we will be back in this Honourable House again to provide the necessary guidance on legislation and other matters for the benefit of the people who have so ably put us here in this Honourable House.

It is getting late, Madam Speaker, so I will move on now to move the Adjournment until the 26th of February, 1994.

**THE SPEAKER:**

The question is that the House do now adjourn until the 26th of February, 1994. Before I put the question, I really should have included the Serjeant-at-Arms who really is always ready to escort me, and has been extremely kind. It has always been a pleasure to have him nearby. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

**AT 8:15 P.M. THE HOUSE STOOD ADJOURNED UNTIL SATURDAY, 26TH OF FEBRUARY, 1994.**